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Council Proceedings

Official Report

Bengal Legislative Council

Forty-ninth Session, 1936

9th to 11th, 25th to 27th and 30th November
and 1st to 4th December, 1936.

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GOVERNMENT OF BENGAL.

GOVERNOR OF BENGAL.

His Excellency the Right Hon'ble Sir JOHN ANDERSON, P.C., G.C.B., G.C.I.E.

MEMBERS OF THE EXECUTIVE COUNCIL.

The Hon'ble Sir JOHN WOODHEAD, K.C.S.I., C.I.E., in charge of the following portfolios:—

1. Finance.
2. Separate Revenue.
3. Commerce and Industrial subjects.
4. Marine.
5. European Education.

The Hon'ble Sir ROBERT REID, K.C.I.E., C.S.I., in charge of the following portfolios:—

1. Appointment.
2. Political, excluding Haj Pilgrimage.
3. Police.
4. Ecclesiastical.
5. Regulation of medical and other professional qualifications and standards, subject to legislation by the Indian Legislature.
6. Jails.
7. Hazaribagh Reformatory School.

The Hon'ble Sir Brojendra Lal Mitter, K.C.S.I., in charge of the following portfolios:—

1. **Land Revenue.**
2. **Land Acquisition.**
3. **Excluded Areas.**
4. **Judicial.**
5. **Legislative.**

The Hon'ble Khwaja Sir Nazimuddin, K.C.I.E., in charge of the following portfolios:—

1. Emigration.
2. Immigration.
3. Jurisdiction.
4. Haj Pilgrimage.
5. Forests.
6. Irrigation.

MINISTERS.

The Hon'ble Nawab Sir Mohiuddin Faroqui, Kt., of Ratanpur, in charge of the following portfolios:—

1. Agriculture and Industries (excluding Excise).
2. Public Works.

The Hon'ble Sir Bijoy Prasad Singh Roy, in charge of the following portfolios:—

1. Local Self-Government.
2. Excise.

The Hon'ble Khan Bahadur M. Azizul Haque, in charge of the following portfolios:—

1. **Education.**
2. **Registration.**
3. **Wakf.**

PRINCIPAL OFFICERS OF THE BENGAL LEGISLATIVE COUNCIL.

PRESIDENT.

The Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, Kt., of Santosh.

DEPUTY PRESIDENT.

Mr. RAZAUR RAHMAN KHAN, B.L.

Secretary to the Council (offg.)—Mr. K. ALI AFZAL, Bar.-at-Law.

Assistant Secretary to the Council (offg.)—Mr. KANTI C. GHOSH.

Panel of Chairmen for the Forty-ninth Session.

1. Mr. NARENDRA KUMAR BASU.
2. Mr. W. C. WORDSWORTH.
3. Rai Bahadur KESHAB CHANDRA BANERJI.
4. Khan Bahadur Maulvi HASHEM ALI KHAN.

BENGAL LEGISLATIVE COUNCIL

ALPHABETICAL LIST OF MEMBERS.

A

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur. [Dacca City (Muhammadan).]
Ali, Maulvi Hassan. [Dinajpur (Muhammadan).]
Ali, Maulvi Syed Nausher. [Jessore South (Muhammadan).]
Armstrong, Mr. W. L. [Presidency and Burdwan (European).]

B

Baksh, Maulvi Shaikh Rahim. [Hooghly *cum* Howrah Municipal (Muhammadan).]
Baksh, Maulvi Syed Majid. [Jessore North (Muhammadan).]
Bal, Rai Sahib Lalit Kumar. [Bakarganj South (Non-Muhammadan).]
Bal, Rai Bahadur Sarat Chandra. [Faridpur South (Non-Muhammadan).]
Ballahh, Rai Bahadur Debendra Nath. [24-Parganas Rural North (Non-Muhammadan).]
Banerji, Rai Bahadur Keshab Chandra. [Dacca Rural (Non-Muhammadan).]
Banerji, Mr. P. [24-Parganas Rural South (Non-Muhammadan).]
Bannerjee, Babu Jitendralal. [Birbhum (Non-Muhammadan).]
Barma, Babu Premhari. [Dinajpur (Non-Muhammadan).]
Basir Uddin, Khan Bahadur Maulvi Mohammed. [Rajshahi North (Muhammadan).]
Basu, Babu Jatindra Nath. [Calcutta North (Non-Muhammadan).]
Basu, Mr. Narendra Kumar. [Nadia (Non-Muhammadan).]
Basu, Mr. S. (Nominated Official.)
Blandy, Mr. E. N., C.I.E. (Nominated Official.)
Bose, Mr. S. M., Bar.-at-Law. [Calcutta East (Non-Muhammadan).]

C

Chatterjee, Mr. B. C., Bar.-at-Law. [Bakarganj North (Non-Muhammadan).]
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman. (Nominated Non-official.)

Chaudhuri, Dr. Jogendra Chandra. [Bogra *cum* Pabna (Non-Muhammadan).]
Chaudhuri, Babu Kishori Mohan. [Rajshahi (Non-Muhammadan).]
Chaudhuri, Maulvi Syed Osman Haider. [Tippera North (Muhammadan).]
Chokhany, Rai Bahadur Ram Dev. (Bengal Marwari Association.)
Choudhury, Maulvi Yousof Hossain. [Faridpur North (Muhammadan).]
Chowdhury, Maulvi Abdul Ghani, B.L. [Dacca West Rural (Muhammadan).]
Chowdhury, Khan Bahadur Haji Badi Ahmed. [Chittagong South (Muhammadan).]
Chaudhury, Maulvi Nural Absar. [Chittagong North (Muhammadan).]
Cohen, Mr. D. J. (Nominated Non-official.)
Cooper, Mr. H. G. (Bengal Chamber of Commerce.)

D

Das, Babu Guruprosad. (Nominated Non-official.)
Das, Rai Bahadur Kamini Kumar, M.B.E. [Chittagong (Non-Muhammadan).]
Das, Rai Bahadur Satyendra Kumar. [Dacca City (Non-Muhammadan).]
Dutt, Mr. G. S. (Nominated Official.)
Dutt, Rai Bahadur Dr. Haridhan. [Calcutta Central (Non-Muhammadan).]

E

Edgley, Mr. N. G. A. (Nominated Official.)
Elcock, Mr. J. (Indian Tea Association.)
Eusufji, Maulvi Nur Rahman Khan. [Mymensingh South-West (Muhammadan).]

F

Faroqui, the Hon'ble Nawab Sir Mohiuddin, Kt., of Ratanpur. [Minister.] [Tippera South (Muhammadan).]
Faslullah, Maulvi Muhammad. [Noakhali West (Muhammadan).]
Ferguson, Mr. R. H. [Rajshahi (European).]

G

Ghose, Dr. Amulya Ratan. [Howrah Municipal (Non-Muhammadan).]
Ghose, Rai Bahadur Sasonka Comar, C.I.E. (Dacca University.)
Gilchrist, Mr. R. N., C.I.E. (Nominated Official.)
Gladding, Mr. D. (Nominated Official.)
Graham, Mr. H., C.I.E. (Nominated Official.)
Griffiths, Mr. Charles (Anglo-Indian.)
Guha, Babu Profulla Kumar. [24-Parganas Municipal North (Non-Muhammadan).]
Guha, Mr. P. N. (Nominated Non-official.)
Gupta, Mr. J. N., C.I.E., M.B.E. [Bankura West (Non-Muhammadan).]

H

Hakim, Maulvi Abdul. [Mymensingh Central (Muhammadan).]
Haque, the Hon'ble Khan Bahadur M. Azizul. [Minister.] [Nadia (Muhammadan).]
Homan, Mr. F. T. (Bengal Chamber of Commerce.)
Hooper, Mr. G. G. (Nominated Official.)
Hoque, Kazi Emdadul. [Rangpur East (Muhammadan).]
Hosain, Nawab Musharruf, Khan Bahadur. [Malda *cum* Jalpaiguri (Muhammadan).]
Hossain, Maulvi Muhammad. [Bakarganj North (Muhammadan).]
Hussain, Maulvi Latafat. (Nominated Non-official.)

J

Jenkins, Dr. W. A. (Nominated Official.)

K

Karim, Maulvi Abdul. [Burdwan Division South (Muhammadan).]
Khan, Khan Bahadur Maulvi Muazzam Ali. [Pabna (Muhammadan).]
Khan, Maulvi Abi Abdulla. [Bakarganj South (Muhammadan).]
Khan, Khan Bahadur Hashem Ali. [Bakarganj West (Muhammadan).]
*Khan, Mr. Razaur Rahman, B.L. [Dacca East Rural (Muhammadan).]
Khan, Maulvi Tamizuddin. [Faridpur South (Muhammadan).]
Kindersley, Mr. J. B. (Nominated Official.)

*Deputy President, Bengal Legislative Council

L

Lamb, Mr. T. (Bengal Chamber of Commerce.)
Leeson, Mr. G. W. (Bengal Chamber of Commerce.)

M

Maguire, Mr. L. T. (Anglo-Indian.)
Maiti, Mr. R. [Midnapore South (Non-Muhammadan).]
Mitter, Mr. S. C. (Nominated Official.)
Mitter, the Hon'ble Sir Brojendra Lal, K.C.S.I. (Member, Executive Council.)
Mittra, Babu Sarat Chandra. [24-Parganas Rural Central (Non-Muhammadan).]
Mollah, Maulvi Moslem Ali. [Rajshahi South (Muhammadan).]
Mookerjee, Mr. Syamaprosad, Bar.-at-Law. (Calcutta University.)
Mukherji, Rai Bahadur Satish Chandra. [Hooghly Rural (Non-Muhammadan).]
Mukhopadhaya, Rai Sahib Sarat Chandra. [Midnapore South-East (Non-Muhammadan).]
Mullick, Mr. Kartick Churn.
Mullick, Mr. Mukunda Behary. (Nominated Non-official.)

N

Nag, Reverend B. A. (Nominated Non-official.)
Nag, Rai Bahadur Suk Lal. [Khulna (Non-Muhammadan).]
Nandy, Maharaja Sris Chandra, of Kasimbazar. (Bengal National Chamber of Commerce.)
Nazimuddin, the Hon'ble Khwaja Sir, K.C.I.E. (Member, Executive Council.)
Norton, Mr. H. R. (Calcutta Trades Association.)

P

Page, Mr. W. W. K. [Presidency and Burdwan (European).]
Paul, Sir Hari Sanker, KT. [Calcutta South (Non-Muhammadan).]
Poddar, Mr. Ananda Mohan. (Bengal Mahajan Sabha.)
Poddar, Seth Hunuman Prosad. [Calcutta West (Non-Muhammadan).]
Porter, Mr. A. E. (Nominated Official.)

Q

Quasem, Maulvi Abul. [Khulna (Muhammadan).]

R

Raheem, Mr. A., C.I.E. [Calcutta North (Muhammadan).]
Rahman, Mr. A. F. [Rangpur West (Muhammadan).]
Rahman, Khan Bahadur A. F. M. Abdur. [24-Parganas Rural (Muhammadan).]
Rahman, Maulvi Azizur. [Mymensingh North-West (Muhammadan).]
Raikat, Mr. Prosanna Deb. [Jalpaiguri (Non-Muhammadan).]
Rai Mahasai, Munindra Deb. [Hooghly Municipal (Non-Muhammadan).]
Ray, Babu Amulyadhan. [Jessore South (Non-Muhammadan).]
Ray, Babu Khetter Mohan. [Tippera (Non-Muhammadan).]
Ray, Babu Nagendra Narayan, B.L. [Rangpur East (Non-Muhammadan).]
Ray, Mr. Shanti Shekhareswar, M.A. [Malda (Non-Muhammadan).]
Ray, Kumar Shib Shekhareswar. (Rajshahi Landholders.)
*Ray Chowdhury, the Hon'ble Maharaja Sir Manmatha Nath, Kt., of Santosh. (Dacca Landholders.)
Ray Chowdhury, Mr. K. C. (Nominated Non-official.)
Ray Chowdhury, Babu Satish Chandra. [Mymensingh East (Non-Muhammadan).]
Reid, the Hon'ble Sir Robert, K.C.I.E., C.S.I. (Member, Executive Council.)
Rout, Babu Hoseni. [Midnapore North (Non-Muhammadan).]
Roy, the Hon'ble Sir Bijoy Prasad Singh. [Minister.] [Burdwan South (Non-Muhammadan).]
Roy, Babu Haribansa. [Howrah Rural (Non-Muhammadan).]
Roy, Babu Jitendra Nath. [Jessore North (Non-Muhammadan).]
Roy, Mr. Saileswar Singh. [Burdwan North (Non-Muhammadan).]
Roy, Mr. Sarat Kumar. (Presidency Landholders.)
Roy Choudhuri, Rai Bahadur Hem Chandra. [Noakhali (Non-Muhammadan).]

S

Saadatullah, Maulvi Muhammad. [24-Parganas Municipal (Muhammadan).]
Sadeque, Maulvi Mahamed. [Noakhali East (Muhammadan).]
Sahana, Rai Bahadur Satya Kinkar. [Bankura East (Non-Muhammadan).]
Samad, Maulvi Abdus. [Murshidabad (Muhammadan).]
Sassoon, Mr. R. M. [Presidency and Burdwan (European).]
Sen, Rai Bahadur Akshoy Kumar. [Faridpur North (Non-Muhammadan).]

*President of the Bengal Legislative Council.

Sen, Rai Bahadur Gris Chandra. (Expert Nominated.)
Sen, Rai Bahadur Jogesh Chandra. [24-Parganas Municipal South (Non-Muhammadan).]
Sen Gupta, Dr. Naresh Chandra. [Mymensingh West (Non-Muhammadan).]
Shah, Maulvi Abdul Hamid. [Mymensingh East (Muhammadan).]
Singh, Srijut Taj Bahadur. [Murshidabad (Non-Muhammadan).]
Singha, Babu Kshetra Nath. [Rangpur West (Non-Muhammadan).]
Singha, Mr. Arun Chandra. (Chittagong Landholders.)
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur. (Burdwan Landholders.)
Sircar, Dr. Sir Nilratan, KT., M.D. [Calcutta South (Non-Muhammadan).]
Solaiman, Maulvi Muhammad. [Barrackpore Municipal (Muhammadan).]
Steven, Mr. J. W. R. [Dacca and Chittagong (European).]
Stevens, Mr. H. S. E. (Nominated Official.)
Studd, Mr. Eric. (Bengal Chamber of Commerce.)
Suhrawardy, Mr. H. S. [Calcutta South (Muhammadan).]

T

Tarafder, Maulvi Rajibuddin [Bogra (Muhammadan).]

W

Walker, Mr. J. R. (Indian Jute Mills Association.)
Walker, Mr. W. A. M. (Indian Jute Mills Association.)
Whitehead, Mr. R. B. (Indian Mining Association.)
Woodhead, the Hon'ble Sir John, K.C.S.I., C.I.E. (Member, Executive Council.)
Wordsworth, Mr. W. C. (Bengal Chamber of Commerce.)

THE BENGAL LEGISLATIVE COUNCIL PROCEEDINGS

(Official Report of the Forty-ninth Session.)

Volume XLIX.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 9th November, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 97 nominated and elected members.

Oaths.

The following members made an oath or affirmation of allegiance to the Crown:—

Mr. G. S. Dutt.

Dr. Jenkins.

Mr. R. L. Walker.

Mr. N. G. A. Edgley.

Mr. R. B. Whitehead.

Mr. R. M. Sassoon.

Maulvi Md. Sadeque.

Maulvi Moslem Ali Molla.

Mr. Kartick Churn Mullick.

Mr. Eric Studd.

Mr. James Elcock.

Panel of Chairmen.

Mr. PRESIDENT: In accordance with the provisions of rule 3 of the Bengal Legislative Council Rules, 1920, I nominate the following members of the Council to form a panel of four Chairmen for the ensuing session:—

(1) Mr. Narendra Kumar Basu.
(2) Mr. W. C. Wordsworth.
(3) Rai Bahadur Keshab Chandra Banerji.
(4) Khan Bahadur Maulvi Hashem Ali Khan.

Unless otherwise arranged, the senior member among them present in the above order will preside over the deliberations of this Council in my absence and in the absence of Deputy President.

Message from His Majesty the King Emperor and letters from His Excellency the Governor and the Marquis of Willingdon.

Mr. PRESIDENT: Gentlemen of the Council, I shall be grateful if you will rise in your places to receive a gracious message from His Majesty the King Emperor, and letters from His Excellency the Governor and the Marquis of Willingdon.

Wire from His Majesty the King Emperor.

President, Bengal Legislative Council, Calcutta,

On behalf of Queen Mary and myself I sincerely thank the members of the Bengal Legislative Council for the message of sympathy contained in their resolution which I have received with much gratification. I appreciate deeply their loyal assurances of good wishes.

EDWARD R. I.

Letter from His Excellency the Governor of Bengal.

Government House, Calcutta,

The 31st March, 1936.

Dear Mr. President,

I have received your letter of yesterday with which was forwarded an extract from the Council Proceedings containing a farewell message

to Their Excellencies the Viceroy and the Countess of Willingdon and have taken steps to forward it forthwith to Their Excellencies a very graceful act on the part of yourself and the Council.

Yours sincerely,
John Anderson.

The Hon'ble Maharaja Sir Manmatha Nath Ray Chowdhury, Kt., of Santosh,

President, Bengal Legislative Council.

Letter from the Viceroy.

The Viceroy's House
New Delhi.
4th April, 1936.

Dear Mr. President,

I have just received the extract that you were good enough to send me from the proceedings of the Bengal Legislative Council held on March 30th and should be very grateful if you would express to all Members the very sincere gratitude of Her Excellency and myself for their good wishes to us on the eve of our departure from the shores of India. We consider it a very great compliment to have been given this evidence of their regard and they may be quite sure that we shall always continue to evince lively interest in the welfare and prosperity of their country.

Yours very sincerely,
Willingdon.

The Hon'ble Maharaja Sir Manmatha Nath Ray Chowdhury, Kt., of Santosh,

President, Bengal Legislative Council.

Obituary Reference.

Mr. PRESIDENT: Gentlemen of the Council, it is my melancholy duty to refer to the deaths of seven members of this Council, and of the late Secretary to the Council.

(1) Mr. Surendra Nath Law, who was a member of this Council from 1929, died on the 31st March this year. He was the eldest son of

late Raja Reshee Case Law and represented in this Council the Bengal National Chamber of Commerce of which he was the Vice-President for some time. He was an Honorary Presidency Magistrate and the President of the Subarna Banik Samaj and Vice-President of the British Indian Association, Trustee of the Indian Museum and one of the Directors of the Bengal Telephone Corporation. His activities were many-sided. He did much to improve the literary institutions and other healthy organisations of this city. He leaves the well-known Law family poorer by his untimely death.

(2) Mr. Surendra Nath Mallik, C.I.E., died at his Calcutta residence at Bhawanipur on the 11th April last. He was an elected member of this Council from 1921 to 1923. He was again returned for the second Council in 1924 and was appointed a Minister. He started his life in the Alipore Court where in a short time he had an extensive practice and made himself recognised as a leading criminal lawyer.

He was elected Commissioner of the old Calcutta Corporation in 1918 and was the first non-official Chairman of the Corporation from 1922 to 1924—a distinction of historic importance. He earned considerable credit as a member of the Economy of Expenditure Committee. He was a fellow of the Calcutta University, but the crowning achievement of his public life was his enviable appointment as a member of the India Council—a position which he filled with becoming dignity and conspicuous ability. He was created a C.I.E. in 1924, a fitting recognition of his talents and integrity.

Amiable disposition, large-hearted sympathies and charming manners were the traits in his private life. Every inch a gentleman, late Mr. Mallik was an advocate of social reform, educational advancement and rural uplift. By his death Bengal has lost a true and patriotic son.

(3) Khan Bahadur Maulvi Emaduddin Ahmed died in May this year. He was an elected member of this Council from 1921 to 1923, again from 1927 to the date of dissolution in 1929 and again from 1934 to the date of his death. He was Deputy President of this Council from 1927 to 1929. He was the Chairman of the Rajshahi Municipality for several years and was the first non-official Chairman of the Rajshahi District Board. He was a successful lawyer and a leader of the Muslim community. He was loved and respected by all who came in contact with him.

(4) Sir Rajendra Nath Mookerjee, a great industrialist of our province, died also in May last. He was a nominated member of this Council from 1916 to 1920. Sir Rajendranath is a remarkable example of a self-made man. It was in the business world where he came to be universally recognised as the miracle man of Bengal. His conception of national duty found a full realisation in the ideal which he was

able to set up there by dint of his superhuman energy, exceptional merits and remarkable character. He started as a poor man but was able to prove that poverty was no crime and that the path of glory is as much open to the rich as to the poor. He possessed an unconquerable will and courage; when his practical mind with supernatural passion for action received an unfolding for a mighty purpose he never faltered or turned back from his determination.

Although every inch a business man he found time for social service. He was the Secretary of the Calcutta Orphanage from its very start and one of the founders of the Calcutta Club. In 1911, Sir Rajendra was Sheriff of Calcutta. From 1916 until 1918 he served as a member and later as Chairman of the Industrial Commission. In 1921, he was a member of the Railway Committee and in the same year he served as the inaugural President of the Institution of Engineers in India. In 1923 he presided over the Bengal Retrenchment Committee and in the following year he served on the All-India Retrenchment Committee. Again in 1924, he was a member of the Indian Coal Committee and in 1925-26 he served on the Royal Commission on Indian Currency and Finance. He also presided over the Committee appointed to advise as regards the Howrah Bridge. He was a member of the Imperial Bank of India. It was at his instigation that the Kanchrapara Workshop was opened to Indian apprentices. He was connected with the Governing Body of the Bengal Engineering College, Sibpur, was a Trustee of the Indian Museum, and President of the Asiatic Society of Bengal, a fellow of the Calcutta University and for many years was connected with the University Institute.

He was made a C.I.E. in 1909, K.C.I.E. in 1911 and K.C.V.O. in 1922. He was remarkable for his hospitality and charitable disposition. By his death Calcutta has lost one of her most eminent citizens and India one of her most distinguished sons. The story of the rise of Sir Rajendra will continue to be an inspiration to Indian youths, specially to those of Bengal. He felt no less than any other man that faith and truth were the panacea for all the ills from which his self-forgotton nation has been suffering so long. His temple of worship was a nursery of honour and principle. The mission of his life practically was to strive and strive hard to provide the strongest possible foundation for national character. Any tribute paid to him is in reality a tribute paid to India's greatness.

(5) Mr. Golam Hossain Shah who was an elected member of this Council from 1926 to 1929, died in August last. He was the head of the Mysore family residing in Calcutta. He was a direct descendant of Haidar Ali and Tipoo Sultan of Mysore. He was connected with a number of public institutions in Calcutta. Besides his work in this Council, he keenly interested himself in the civic administration of the city and its suburbs. He was a Councillor of the Calcutta Corporation

and was a Commissioner of both Tollygunge and South Suburban Municipalities for a number of years and Chairman of the former for the last six years. He was an Honorary Presidency Magistrate, a member of the Education Committee of Bengal and the President of the Hooghly Imambarah Managing Committee. His loss at the early age of 39 is much to be deplored.

(6) Mr. Indu Bhusan Dutta who was an elected member of this Council from 1921 to 1923, died at Comilla on the 28th August last. Late Mr. Dutt came from a well-to-do Baidya family of Tippera. He was the founder of the Comilla Peoples' Co-operative Bank. He was twice elected Chairman of the Comilla Central Co-operative Bank in 1919 and 1920 and was the first non-official Chairman of the Bengal Provincial Co-operative Federation in 1921. He was a member of the Comilla Municipality and of the Tippera District Board for many years. In 1922 he started the Comilla Union Bank, Ltd., which by dint of his exceptional ability, extraordinary business acumen and indomitable energy, has to-day taken place as one of the foremost Bengalee banks with branches in all the principal places in Bengal and Assam. It is a great loss to Bengal to lose a financier with such organizing capacity.

(7) Maulvi Abul Kasem, another sitting member of this Council, breathed his last at Burdwan on the 11th October last at the age of 64. As every one of us knows he was a very popular figure in this House. He was first returned to Bengal Legislative Council in January, 1913. He was again returned and served from 1916 to 1920 and again from 1927 to the day of his death. From 1921 to 1927 he was a member of the Indian Legislative Assembly first as an elected member and afterwards as a nominated non-official member. He was elected in 1928 as a member on the Committee to assist the Statutory Commission. He was one of the few Bengali Muslims who joined in the anti-partition agitation of 1905, under the leadership of the late Sir Surendra Nath Banerjee. He was connected with many political organizations, such as the All-India Muslim League and the Central Khilafat Committee. He was a Councillor of the Calcutta Corporation. He came of a highly respectable family of Burdwan. Death of such a man is a loss to our province as a whole.

(8) I deeply mourn the tragic death of Mr. J. W. McKay, late Secretary to the Council Department. He died all of a sudden on the 29th October, 1936.

Mr. McKay was associated with the Legislative Council since 1910 in various capacities and as Secretary on the creation of a separate Council Department from the 1st September, 1932. There is, I venture to say, not a single member of the Council, either past or present, who has not at sometime or another profited by his intimate knowledge of Council procedure or who has not had occasion to appreciate the unfailing tact and good will with which he invariably endeavoured to

advise and assist. He was most courteous in his dealings, and amiable in his disposition.

He was made an I.S.O. in 1930 in appreciation of his service to Government and was awarded the Jubilee Medal last year.

Gentlemen, it will be our duty to send a message of our deep sympathy to the members of the bereaved families. I would ask you to signify your approval by kindly rising in your places.

(Pause.)

Mr. PRESIDENT: Thank you gentlemen. The Secretary will take the usual steps.

STARRED QUESTIONS

(to which oral answers were given)

Tangi-Tangail-Singhjani railway project.

*1. **Rai Bahadur RAM DEV CHOKHANY:** (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state what progress has been made up to date in the matter of the Tangi-Tangail-Singhjani railway project?

(*b*) Do the Government realise the necessity for providing reasonably adequate transport facilities for this important area comprising portions of the Dacca and Mymensingh districts?

(*c*) Are the Government considering the desirability of carrying out the project without further delay?

(*d*) If the present financial stringency be mainly responsible for the delay, are the Government considering the desirability of advertising with suitable proposals for private parties to come forward to finance the project?

(*e*) Is the Hon'ble Member aware that the Dacca-Aricha railway project has been abandoned?

(*f*) If the answer to (*e*) is in the affirmative, are the Government considering the feasibility of—

(*i*) extending the proposed Tangi-Tangail-Singhjani line from Gopalpur to Pingna; and

(*ii*) affording thereby the shortest possible alternative route from Calcutta to Dacca via Sirajganj ghat, Pingna, Gopalpur, Tangail, Tangi, etc.?

MEMBER in charge of PUBLIC WORKS (RAILWAY) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) The Committee appointed by Government to examine the project and advise regarding the safeguards necessary in the interests of public health, agriculture and drainage on the proposed route found it necessary to take further observations during the rains of the present year and their report has therefore not yet been received.

(*b*) Government recognise that the construction of a railway in this area would improve transport facilities.

(*c*) and (*d*) The final decision in regard to the construction of the railway rests with the Government of India and not with the Government of Bengal. No further step towards such a decision will be taken till the report of the Committee referred to in the reply to (*a*) has been received.

(*e*) Yes.

(*f*) (*i*) and (*ii*) No such proposal is at present under consideration.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it not the practice with Government to appoint a committee whenever there is a proposal for the construction of a railway in a particular locality?

The Hon'ble Sir JOHN WOODHEAD: Yes, it has been, Sir, during the last few years.

Detenus.

*2. **Babu KISHORI MOHAN CHAUDHURI:** Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is permissible for a detenu to seek legal advice affecting his status as a detenu?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): Subject to the provisions of the order under which he is restrained, including those relating to his correspondence, there is nothing to prevent a detenu seeking advice on a point of law relevant to his detention.

Youths and political suspects.

*3. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that young men find themselves in trouble for keeping company of those who are termed as political suspects?

(*b*) Do the Government realise that it is not possible for any young man or his guardian to know it beforehand that the individual with whom the young man is mixing, is a political suspect?

(*c*) Is there any list of political suspects in the district prepared by the Magistrate and the Police?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of issuing instructions to make the aforesaid list available for inspection by the public?

The Hon'ble Sir ROBERT REID: (*a*) and (*b*) Young men who mix in doubtful company, or company which may turn out to be undesirable, always run certain risks; but it depends upon themselves whether they get into trouble as a result. In suitable cases a warning is conveyed to the young man and his parent or guardian.

(*c*) The Police maintain records of persons whose antecedents are suspicious.

(*d*) No.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state what he meant by "suitable cases"?

The Hon'ble Sir ROBERT REID: By "suitable cases" is meant cases where it is likely that some good results may occur as a result of warning.

Mr. P. BANERJI: Is the Hon'ble Member aware that recently a notice has been served on Dr. J. N. Das (?), a distinguished physician of Faridpur, asking him to dissociate——

Mr. PRESIDENT: Order, order. I am afraid that question does not arise.

Mr. P. BANERJI: Sir, the Hon'ble Member in reply to this question says that the Police maintain records of persons whose antecedents are suspicious, and that in suitable cases a warning is conveyed to the young man and his parent or guardian. I ask the Hon'ble Member, where no notice is given——

Mr. PRESIDENT: Mr. Banerji must remember that supplementary questions are to be put only to elucidate further facts relevant to the question or to the answer that has been given, but he cannot expect the Hon'ble Member to answer a hypothetical question.

Mr. P. BANERJI: Is the Hon'ble Member in a position to contradict when I say that there are cases where notices have been served on persons for which no previous intimation had been given?

The Hon'ble Sir ROBERT REID: The fact that a notice has been served implies intimation, I suppose.

Mr. P. BANERJI: When Government, as the Hon'ble Member says, do not like to make the list available to the public for inspection, how will it be possible to ascertain who are the suspects and who are not?

The Hon'ble Sir ROBERT REID: I am afraid I cannot give any answer to that question, Sir.

Detenus and Internees.

*4. **Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the number of detenus at present in jails or detention camps;

(*ii*) the number at present in village domiciles;

(*iii*) the number at present in home internment;

(*iv*) the number of detenus who committed suicide during the last 2 years; and

(*v*) the number of detenus who turned insane during the last two years?

The Hon'ble Sir ROBERT REID: (*i*) 1,205.

(*ii*) 905.

(*iii*) 249.

(*iv*) 5.

(*v*) 2, of whom one recovered and has been released on conditions.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state approximately as to how many people in village domicile out of the 905 have put in applications to be either sent back to jails or detention camps or placed in home internment?

The Hon'ble Sir ROBERT REID: I must ask for notice of that question, Sir.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether it is not a fact that people in village domicile are frequently anxious either to be sent back to jail or placed in home internment or to be released?

The Hon'ble Sir ROBERT REID: There have been numerous cases where people in village domicile have made such requests.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that people in village domicile make frequent complaints to Government regarding small pin-pricks caused to them by local authorities; and are any enquiries made about such pin-pricks?

The Hon'ble Sir ROBERT REID: If complaints are made, enquiries are held.

Mr. NARENDRA KUMAR BASU: Of the five detenus who committed suicide during the last two years, how many have left behind them in black and white the reasons for their rash action?

The Hon'ble Sir ROBERT REID: That is a question of which I must ask for notice, Sir.

Renewal of motor-car licences.

*5. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Police Department aware—

(*i*) that the fee required for renewing a motor driving licence is Rs. 2 as provided in the Motor Vehicles Act;

(*ii*) that the penalty for renewing a licence of which the date of renewal has expired is Rs. 10; and

(*iii*) that hardship is being caused to persons who fail to renew their licences in time through oversight or other unavoidable reasons?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of amending the existing Act so as to allow renewal to be made within a month of the expiring date at a penalty of Rs. 4 only?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) and (*ii*) The renewal fee for a private licence is Rs. 2 according to the Bengal Motor Vehicles Rules, 1935, but the full fee of Rs. 10 is charged, if the licence is renewed after the date of expiry.

(*iii*) Government are not aware of this.

(*b*) No.

Khas Mahal Officer of Noakhali.

*6. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether Government servants may, without the previous sanction of the Local Government, receive any complimentary or valedictory address presented to him or attend any public meeting or entertainment held in his honour?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to state whether any previous sanction was obtained by the Khas Mahal Officer of Noakhali to receive an address of welcome and entertainment on the 12th September, 1936, on the occasion of his being promoted to the rank of Deputy Collector?

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) who were the organisers;

(*ii*) who were the members of the reception committee; and

(*iii*) who read out the address?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) No, but a Government servant may attend a farewell entertainment of a substantially private and informal character in certain circumstances.

(*b*) and (*c*) No address of welcome was presented to the Khas Mahal Officer of Noakhali nor was he entertained on the occasion of his promotion to the rank of Deputy Collector. Some of the leading Khas Mahal tenants organised a private function at which congratulations were offered to the Khas Mahal Officer. There was no entertainment except that the Khas Mahal tenants living at Noakhali provided refreshments for those who came from the islands.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Passenger steamers of the River Steam Navigation Company.

†. **Maulvi ABI ABDULLA KHAN:** (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that big cargo barges are often attached to the passenger steamers of the River Steam Navigation Company, Ltd., running from Barisal to Patuakhali, Barisal to Khulna as mail service, Jhalakati to Barguna, Hularhat to Banaripara and Barisal to Jhalakati as daily service;

(*ii*) that those steamers are very often late in reaching the destination; and

(*iii*) that the litigant passengers are put to difficulties and inconvenience for those steamers reaching late at Barisal or Patuakhali or Banaripara, Hularhat and Jhalakati-Barguna?

(*b*) Are the Government considering the desirability of urging upon the steamer company to stop the practice of towing cargo barges by the passenger steamers?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead: (*a*) (*i*) Government are informed that passenger steamers on the said services occasionally tow barges.

(*ii*) and (*iii*) Government are informed that these services are rarely late.

(*b*) No. Government are advised that if separate vessels had to be provided to tow barges, the company could not keep these services open.

Barisal to Dacca and Khulna steamer service.

2. Maulvi ABI ABDULLA KHAN: (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that there is no 2nd class accommodation in the mail steamers of the Joint Companies Steamer Services running from Barisal to Dacca Ghat and Khulna; and

(*ii*) that the intending passengers find it inconvenient to travel on that account?

(*b*) Are the Government considering the desirability of urging upon the steamer companies to make necessary arrangements in that direction?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) and (*ii*) Government are advised that 2nd class accommodation was abolished in 1926 on all services except the Khulna-Barisal Express in order to provide improved inter class accommodation.

(*b*) No.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether Government realise the difficulties of passengers who usually do not travel in first class or intermediate class, but are in the habit of travelling in second class?

The Hon'ble Sir JOHN WOODHEAD: Second class accommodation was abolished, as the answer says, in order to provide improved inter class accommodation; the demand for second class accommodation is not large.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether Government are willing to ask the steamer companies to provide second class accommodation for such passengers?

The Hon'ble Sir JOHN WOODHEAD: The final decision rests with the steamer companies. They have given their reasons and explained why they have abolished the second class; Government in the circumstances do not think it necessary to take any further action.

Rai Bahadur KESHAB CHANDRA BANERJI: In view of the inconvenience suffered by the Indian second class passengers, will the Government be pleased to request the steamer companies to provide for such accommodation?

The Hon'ble Sir JOHN WOODHEAD: I am afraid, not.

Barisal to Patuakhali steamer service.

3. Maulvi ABI ABDULLA KHAN: (*a*) Is the Hon'ble Member in charge of the Marine Department aware—

(*i*) that the inter class compartments of the steamers (mail and express) of the River Steam Navigation Company, Ltd., running from Barisal to Patuakhali are very small and cannot accommodate all the passengers for whom tickets are issued for that class; and

(*ii*) that many inter class passengers in those steamers have to travel in the 3rd class for want of accommodation in the inter class?

(*b*) Are the Government considering the desirability of urging upon the steamer company to supply bigger steamers with sufficient inter class accommodation?

The Hon'ble Sir JOHN WOODHEAD: (*a*) (*i*) and (*ii*) Government are advised that the inter class accommodation provided in the steamers engaged on this service is sufficient for the average number of inter class passengers travelling.

(*b*) No

Limitations to Khanas or holdings under a chaukidar.

4. Maulvi ABI ABDULLA KHAN: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) whether it is a fact that there is a fixed maximum limit of Khanas under a chaukidar under the Chaukidari Act; and

(*ii*) whether it is a fact that there is no such limit under the Bengal Village Self-Government Act or rules made thereunder?

(*b*) Are the Government considering the desirability of amending the Bengal Village Self-Government Act fixing the limit of Khanas or holdings under a chaukidar?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) This is not correct. Rule 31 of the Chaukidari Manual lays down that, taking the union as a whole, there should not be more than one chaukidar for every 60 houses. The rule fixes the maximum number of chaukidars which may be appointed in any particular union. It does not fix the maximum number of houses which may be included in the beat of a chaukidar.

(*ii*) There is no such corresponding rule in the rules framed under the Bengal Village Self-Government Act.

(*b*) No.

Cross-word puzzle competitions.

5. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table the representation, if any, received praying for action being taken against the cross-word puzzle competitions?

(*b*) Is the Hon'ble Member aware that these cross-word puzzle competitions are telling heavily on the purse of the poor people?

(*c*) Is the Hon'ble Member aware that these competitions have been prohibited in England by the passing of the Betting and Lotteries Act?

(*d*) If the Gambling Act is not applicable against these competitions, are the Government considering the desirability of moving the Government of India for amending the Indian Penal Code with a view to penalise these competitions?

The Hon'ble Sir ROBERT REID: (*a*) Such a representation has been received from a single individual.

(*b*) Government have no information.

(*c*) There is a King's Bench decision of 1935 which held that a certain type of cross-word competition was a lottery and therefore came within the mischief of the Betting and Lotteries Act, 1934.

(*d*) Government have not hitherto examined the advisability of taking this step.

Mr. NARENDRA KUMAR BASU: Is the Hon'ble Member aware that the Calcutta newspapers are flooded with advertisements not only of cross-word puzzle competitions strictly so-called but with lotteries, pure and simple, with regard to the so-called games of skill which have absolutely no skill whatsoever?

The Hon'ble Sir ROBERT REID: I am not aware of that, Sir.

Mahisya community in Government service.

6. Mr. R. MAITI: Will the Hon'ble Member in charge of the Appointment Department be pleased to lay on the table a statement showing the number of persons belonging to the Mahisya community of Bengal employed at present under the Government of Bengal with their designation and name of the department against each of them?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Robert Reid): The information required for an answer to this question is not available and could not be obtained without a laborious enquiry which Government regret they are not prepared to undertake.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Presidency-Towns Insolvency (Bengal Amendment) Bill, 1938.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to introduce a Bill to amend the Presidency-Towns Insolvency Act, 1909, in its application to the Presidency-town of Calcutta.

The Secretary read the short title of the Bill.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to move that the said Bill be referred to a Select Committee consisting of—

(1) Mr. N. G. A. Edgley,

(2) Mr. G. G. Hooper,

(3) Mr. Narendra Kumar Basu,

(4) Mr. Eric Studd,

(5) Mr. S. M. Bose,

(6) Mr. A. Raheem,

(7) Mr. H. S. Suhrawardy,

(8) Mr. Sarat Kumar Roy,

(9) Rai Bahadur Sarat Chandra Bal,

(10) Khan Bahadur A. F. M. Abdur-Rahman,

(11) Babu Khetter Mohan Ray, and

(12) the mover,

with instruction to submit their report as soon as possible, and that the number of members whose presence shall be necessary to constitute a quorum shall be five.

Sir, this is a measure dealing with the administrative duties of the Official Assignee. Hon'ble members are aware that we have got two systems of insolvency law operating in Bengal, one for the Presidency town of Calcutta and the second for the districts. This Bill has nothing whatsoever to do with the substantive law of insolvency. It relates only to the administrative functions of the Official Assignee. The Official Assignee has got, roughly speaking, two functions: first to report on the conduct of the insolvent and, secondly, to administer the insolvent's estate for the benefit of the creditors. Under the existing law—the Presidency-towns Insolvency Act—the Official Assignee is appointed by the Chief Justice and his remuneration comes out of the commission on the assets which he realises. It has been found for sometime that the administrative side of the Official Assignee's business has been very wasteful and the Government has been in communication with the High Court to remedy this state of affairs. Some years ago the High Court Retrenchment Committee recommended that the Official Assignee, instead of being paid by commission, should be paid a fixed salary and that his office establishment should come under the administrative control of the Government. As a result of correspondence regarding the purely administrative side of the Official Assignee's office, i.e., with regard to his appointment, his remuneration and maintenance of his staff, there was a protracted consultation between Government and the High Court, as a result of which an agreement was reached which is embodied in this Bill. The purpose of the Bill is

to transfer the administrative control, not the judicial control but the administrative control, from the High Court to the Government. So far as the Official Assignee's judicial or *quasi*-judicial functions are concerned, they will continue to be under the control of the High Court; but so far as his appointment, his remuneration and the maintenance of his office staff are concerned, all that part, under this Bill, will come under the control of the Government. That, Sir, is the purpose of the Bill, and the Bill proposes to amend certain sections of the Presidency-towns Insolvency Act in order to give effect to the agreement which has been reached between the Government and the High Court. Sir, I move.

Mr. P. BANERJI: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st April, 1937.

Sir, in moving his motion for reference of the Bill to the Select Committee the Hon'ble Member has told us that the administrative control of the Official Assignee's office will be transferred from the High Court to the Government of Bengal. This is being done on the recommendation of the High Court Retrenchment Committee, which sat some years ago—I think in 1923—that is 13 years ago. Now, I submit that if the Government could wait 13 years, I think it can afford to wait till April next by accepting my motion. The Hon'ble Member might contend that there will be no meeting of the Council after this session and then this Council will be dissolved; so there will be no chance for him to move this motion. My argument is that if the Government could afford to wait for 13 years, this motion might be moved by somebody else in the next April session. I must admit that I have not been convinced by the arguments which the Hon'ble Member has just adduced. I know that the Select Committee will submit its report as soon as possible. As the meetings of the Select Committee will be held during this session, things will be done very hurriedly and details will not be gone into. There is another point, Sir, which I would submit to the Council. I think public opinion should be taken on this matter for the simple reason that if the Official Assignee has been allowed to go on for all these years on a commission basis, he can be allowed to continue for sometime longer. Before the Enquiry Committee it was found that in one particular year the Official Assignee drew even more than Rs. 64,000. That was, however, an abnormal year. There is, however, another side of this matter. This money, which the Official Assignee drew, was paid by the parties. It may be that when the Official Assignee will be deprived of his commission, he will not exert himself so much to realise the dues from the assets of the insolvent and it is quite natural that he will be apathetic. The Government now expects to have sufficient revenue for the public exchequer, but I think they

will be disappointed in this matter. For all these reasons I consider that public opinion should be taken and that the Bill should not be hurried through the Council.

Mr. NARENDRA KUMAR BASU: Sir, in supporting the motion I just want to point out that as has been stated by the mover it may be said that the Official Assignee draws his emoluments from the money that he realises from the insolvent's estates. Under the Bill, his salary, whatever it may be and you cannot possibly have his salary fixed at a very small figure, will be a charge upon the public revenues. Well, we have been hearing ever since we have been in this Council of the financial difficulties of the Government of Bengal. We have been hearing of the want of money in the coffers of the Government of Bengal, say, for much needed improvements for the public. Here what we are going to do is to take away a substantial sum of public revenue for the payment of this officer and at the same time depriving that officer of his incentive to do good work for the insolvents, not only for the insolvents but also for the creditors by depriving him of the commission on the thing. We all know that for some time after the report of the High Court Retrenchment Committee came out, when it was found that the Official Assignee was getting emoluments higher than that of His Excellency the Governor of Bengal, there was a great deal of so-called indignation from people who were in want of money themselves and there had been questions in this Council by one of my esteemed friends Mr. S. M. Bose year after year asking when the Government were going to terminate this arrangement. This Bill seems to be the direct result of this incitement. Here we are; we have got this Bill: does it really do any good to the public? I submit that on that point no opinion either from the litigant public or the creditor and debtor or the people who have got to pay has been invited. I do not understand the hurry (I will not use any adjective) with which this Bill has been introduced at the fag end of the life of this Council. If it is a matter on which the High Court and the Government are agreed—and presumably it is a matter which has its good points—I am quite sure that if the matter is allowed to wait till the new legislature comes into existence and the present Official Assignee gets his emoluments for another 3 months or so the heaven will not fall. I therefore request the Hon'ble Member in charge to accept the amendment moved by Mr. Banerji.

Mr. S. M. BOSE: I cordially welcome this Bill and I oppose the amendment moved. The High Court Retrenchment Committee in 1923 made certain recommendations. They, in their report, dwelt on the extraordinarily heavy amount drawn by the Official Assignee. They pointed out that his commission in 1922 amounted to Rs. 97,600; in 1918 it was Rs. 90,799 and they said in paragraph 52 of their report

that, having regard to these figures the profits accrued to the Official Assignee are out of all proportion to the character and status of his office. They noticed that in 1922 the emoluments of this officer exceeded those of any other public servant in Bengal except the Governor. So they suggested that he should be placed on a fixed pay and his expenses should be borne by Government. Government have done nothing at all these thirteen years and I submit that by their inaction they have caused enormous loss to the public revenues of Bengal. If, say 10 years back, this Bill as it is now brought forward, had been passed I submit that would have meant a great deal of increase in public revenue. Now no doubt the commission has greatly fallen and now at long last, almost too late Government come forward with this Bill. Surely they do not want to help the poor Official Assignee in these hard times by giving him a fixed pay. I have since 1923, as Mr. Narendra Kumar Basu has pointed out, been repeatedly drawing the attention of Government to this matter but the machinery of Government moves very slowly indeed. I have also been drawing attention to another matter, viz., the Unclaimed Dividend Fund. In 1923, Mr. Henderson, the then Judicial Secretary, told me in reply to my question that they were going to have the accounts audited and now it appears that the account has been audited and we have now come to know of a certain large fund lying unnoticed so long in a corner of the High Court. Now Government have become awakened to the existence of this fund which they wish to take over entirely. I support the principle of this Bill and oppose any motion for circulation. Objection has been taken that if the Official Assignee is paid a fixed salary, he will be slack but we know of another high official—the Official Receiver —who is paid a salary and commission, I see no reason why that cannot be done here. Objection has been taken by Mr. Narendra Kumar Basu that the Bill has been brought up in a great hurry. There is no hurry at all; the Bill is long overdue as I have said.

I venture to make one suggestion. In clause 5 of the Bill it is proposed that if the Official Assignee is made liable personally for misfeasance, neglect, etc., that should be made good by Government. I see no reason why this should be so. Why should not the Official Assignee be made to recoup the loss suffered by Government owing to his misfeasance and neglect? This should be provided in the Bill itself and not in the terms of his appointment. Of course Government may say that they may make terms when appointing a new Official Assignee but what about the Official Assignee who is already acting. In clause 3 (d), it is proposed that the present incumbent shall be appointed. He has been already appointed and I do not see how any new terms can be made now. Of course all these matters will no doubt be considered by the Select Committee. I, therefore, wholeheartedly support the Bill.

The Hon'ble Sir BROJENDRA LAL MITTER: I oppose the motion for circulation. This matter, as Mr. S. M. Bose has just now said, has been under consideration for very many years. Commercial bodies have been consulted, the High Court has been consulted and the Government of India have been consulted. The reason for the delay is that the Government of Bengal wanted the two systems, viz., the Presidency Towns Insolvency as well as the mufassal insolvency laws being consolidated and made into one Insolvency Law and they have been in communication with the Government of India. The Government of India have not yet undertaken the necessary legislation. Coming to the present modest measure, there is a fund which is known as the "Unclaimed Dividend Fund". If this Bill is passed that "Unclaimed Dividend Fund", which amounts to about Rs. 37 lakhs, will come to Government straightaway. There is another fund which also amounts to about Rs. 37 lakhs being the accumulated interest on the first fund. Out of the interest of this second fund all the outgoings of the Official Assignee including his pay, his staff and everything can be met. No burden will be imposed on the revenues of Bengal; on the contrary, the revenues of Bengal will benefit by the passing of this measure. So the objection on the ground that we are imposing a further burden on the revenues of Bengal is not valid. The objection that the incentive to the Official Assignee to sell the estates at a profit for the benefit of creditors would be taken away is also invalid. I venture to think that the result would be just the other way. Ordinarily, what happens? In order to earn the commission quickly estates are sold at inadequate prices. The result is that commission is earned but creditors suffer. If a responsible person is given a good salary his incentive will be to do his duty by the creditors. Instead of the incentive to benefit of the creditors being slackened it will be quickened.

There has been another criticism that this Bill has been brought in at the fag end of the life of this Council. We are trying to gather up the loose ends; so that we may make over charge to the new Government without their being worried at the beginning of their career with things which we can do ourselves.

Mr. P. Banerji's motion was then put and lost.

The original motion of the Hon'ble Sir Brojendra Lal Mitter was put and agreed to.

The Bengal Non-Agricultural Lands Assessment Bill, 1936.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to present the Report of the Select Committee on the Bengal Non-Agricultural Lands Assessment Bill, 1936.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to move that the said Bill as reported on by the Select Committee be taken into consideration.

This Bill was considered in very great detail in the Select Committee which made certain amendments, the effect of which is, if I may use the expression, to liberalise the measure. Government have accepted those proposals for liberalisation and the Bill as amended by the Select Committee is now before the House. I ask you, Sir, that the Bill be taken into consideration but that the debate on clause 4 and its amendments to stand over till to-morrow, and we may go on with the rest of the Bill.

Mr. P. BANERJI: Sir, I beg to move that the Bill be recommitted. The Hon'ble Member has just said that in the Select Committee the Bill was thoroughly examined and he requested that the debate on clause 4 might stand over till to-morrow. I may point out however that it is this clause which is very important and in which there were some material changes. This Bill has been very much condemned both by the public and the press. If we go into the past history of the Bill we find that a similar Bill was introduced in this House in 1933 by the late Sir Provash Chunder Mitter, the then Revenue Member, and you know, Sir, that that Bill was not proceeded with in the teeth of opposition and because it was realised by the then Member that if the Bill were passed into law, the hardships of the people in khas mahals would be very great. The object of the then Hon'ble Member in bringing that Bill was increase of revenue as the Government were running at a deficit. In many cases when there was a fight between the tenants and the Government and they had to take recourse to civil courts for protection, the latter could not succeed. Therefore, there was endless litigation and the then Revenue Member thought that litigation must be stopped. Recently there has been a tendency on the part of Government to curtail the jurisdiction of the Civil Courts, and this, Sir, is very much detested by the people. Another point is that in many cases Government had to eject the tenants, which was a matter of very great hardship to the people. These facts were brought to the notice of the then Member and he realised the gravity of the situation and did not proceed with the Bill. Now, Sir, the Hon'ble Member has again come forward with a similar measure not knowing what the consequence would be. Nowhere in the law of the land do we find any such unprecedented provision as in this clause 4. In clause 4(*c*) the market value of the land immediately before the order under section 3 is made is to be taken into consideration by the revenue officer in estimating a fair and equitable rent. Though the rule-making power is taken under this section, still the Hon'ble Member enters by the back-door. In clause 20 (2) (*bbb*) it is laid down that in particular and without prejudice to the generality of the foregoing power such rules may

provide for all or any of the following matters, viz., carrying out the purposes of section 4. Now, Sir, mark this section 4 by which the public is very much hard hit—the market value of the land immediately before the order under section 3 was made, and the rent which would be payable if the rate were fixed at 4 per cent. of such market value. It is not possible within the short time at our disposal to go into the details of all cases in all parts of the province, but I will only refer to some of the cases where the people will be hard hit. If the assessment is made or authority is given to a revenue officer in this way, then the assessment in some cases may go up to even 200 times more. I take the case of the Dacca first. In the Wari section of Dacca, when Government first gave settlement of this area in 1886, the Board of Revenue in their letter of 29th January, 1886, to the Commissioner of the Dacca Division stated as follows:—

"There appears to be no immediate prospect of the lands within the town estate being made over to the municipality. It is desirable that the leases which have fallen in should be renewed on liberal terms favourable to the present occupiers. Although the policy of Government is opposed to granting permanent leases, it is not intended that householders on Government lands should thereby be placed in a position of less security than that of similar householders occupying adjacent private zemindari lands. Nor is it the desire of Government to make a profit out of the necessities of the householder on the occasion of renewing his lease."

Now, that was the instruction at the time when the Government wanted that portion of the land full of jungles to be inhabited by the people. The rate was then only Rs. 6 per *bigha* and now the same land has been valued at Rs. 6,000 per *bigha*. One of the conditions of the lease was that the lessees must construct a structure of the value of Rs. 200, Rs. 500, or Rs. 1,000 on that land and in this way lots of money were sunk by the people.

(At this stage the Council was adjourned for 15 minutes.)

(After Adjournment.)

Mr. P. BANERJI: I was just discussing the effect of clause 4 of the Bill and was pointing out that though 4 per cent. has been fixed as the rate upon the market value, yet I have got here with me a paper from the local people of Dacca—all of whom I find are Muhammadans—in which it is said that recently the Collector of Dacca has assessed them at 1½ per cent. so that as a result of that assessment in some cases the rent has increased to as much as 36 times where it was only 8. Now, Sir, I was also submitting to you that just next door, that is, beyond the limits of the khas mahal, under private zemindars, the rate is very very low, and they increased the rent after 15 years only by two annas in the rupee. If the rate is so low beyond the limits of the khas mahal,

why should it be that within the limits of the khas mahal the assessment should be in some cases 1½ per cent. that is from 8 to 36 times and in many cases even much more?

Then again, Sir, I object to this work being entrusted to Revenue officers—Revenue officers who in fact are all in all in such matters. Even if an appeal is preferred it will have to be preferred to a Revenue authority who is also a Deputy Collector. Then also an appeal does not really lie against it, though a provision has been made that appeal lies under certain conditions. Let us go through the clause which deals with appeals, viz., clause 12. Clause 12 says "any person who is aggrieved by any entry in or omission from a roll prepared in respect of lands in an estate which is held khas by the Revenue authorities under section 3 of the Regulation or in an estate which belongs to the Government may appeal to the prescribed Revenue authority and from the decision of such authority to the Board of Revenue, in the manner and within the period prescribed in this behalf". This is also provided for in section 13 which says "any person who is aggrieved by any entry in or omission from a roll prepared in respect of lands in an estate which is held khas by the Revenue authorities under section 3 of the Regulation or in an estate which belongs to the Government may institute a suit in the civil court which would have jurisdiction to entertain a suit for the possession of the land to which the entry relates or in respect of which the omission was made." Such suits however must be instituted under certain conditions, viz., in some cases within the limit of six months and in other cases within the limit of three months. Now, here nothing is mentioned about assessment. Then, Sir, what is the use of preferring an appeal? If any appeal is at all to be preferred it should certainly be against the assessment which is supposed to be very exorbitant; but if any person is debarred from making an appeal in the civil court, what is the use of such a clause, and what is the use of putting in a provision that a person will be allowed to prefer an appeal in a civil court—may I know? So there is absolutely no point in making this provision about an appeal: it is a hoax pure and simple. That being the case, I fail to understand why Government should not allow persons who are aggrieved to prefer an appeal to a court of justice of the land. But there it stops. As I have pointed out, it has long been the policy of Government not to provide for appeals to the judiciary, because it is found that in nine cases out of 10 the judiciary have turned down the highhandedness of the Executive. If Government is given the power to assess in this exorbitant fashion why is no such provision made in the case of superior landlords, that is, landlords next to Government, to increase their rents proportionately? There is no such provision made and the Bill is absolutely silent on that point.

There is another matter. In the Preamble of the Bill it is stated that the object of the Bill is to make a proper—the word "adequate"

has been omitted by the Select Committee—"proper" assessment of rent of all lands in estates which belong to the Government, etc. Now, Sir, if we go as far back as 1822, I mean, to the Preamble of the Bengal Regulation VII of 1822, we find that it runs as follows:—

> "Whereas a moderate assessment being equally conducive to the true interests of the Government and to the well-being of its subjects, it is the intention of the Government that in devising (revising?) the existing settlement the efforts of the revenue officers should be chiefly directed not to any general and extensive enhancement of the Jama."

Now, Sir, I consider that this portion also in all fairness should have been included in the Preamble to this Bill. But instead of doing that it has been omitted altogether and what is provided for therein is only "proper" assessment of land revenue. Now, Sir, what is a "proper" assessment? I consider, Sir, it is a distinction without a difference. But whatever it is, the fact remains that even if we stick to 1½ per cent. as has been done in certain cases, viz., 8 to 36 times, after the enactment of this law it will be found that in some cases it will be 240 where it was only 6. In many cases in Wari and other parts it will be 40 times, and in some cases, as my friend says, it may be even 400 times greater. Whatever it is, it cannot be denied that it will cause great hardship unless these matters are thoroughly examined. My next point is with regard to section 2 - about definitions. Of course the Hon'ble Member will say that several additions have been made to the definitions by the Select Committee. But I fail to understand why in clause 2(5) (*a*) which ran as follows "a homestead to which the provisions of section 182 of the Bengal Tenancy Act, 1885, apply," the following words have been added, namely, "and which is occupied by a person whose primary means of livelihood is agriculture." That is indeed a great sop, but I fail to understand who in this land except Government officers and other servants of Government, who are well-off even during this depression, is not in a way an agriculturist. That being the case, Sir, no improvement is made by adding these words. So long it was very comprehensive without these words, but by adding them it will I consider be interpreted in a quite different way and injure the interests of many. This could have been improved in many different ways. For instance, supposing a portion of a land which was at one time not used for agriculture but was subsequently leased out to somebody where some industry or factory has grown up. There are lands which have been leased out to people who have built factories. Now, if 4 per cent. of the market value of such lands is fixed as the rent, the result will be that the rent will be enhanced to such an extent that the factories will have to be closed down. Such factories, big and small, have been built up in different parts of the country, particularly in places like Dacca, and these will have to be closed down, because it will be difficult for

them during the period of depression and foreign competition to make such a profit as to enable them to pay the enhanced rent. When people started these factories they started them in the belief that Government at any rate would be very reasonable in fixing the rent. From the copy of the agreements that have been read out to us, it appears that these people believed that Government would be very fair in fixing a fair and equitable rent and would consider the circumstances prevailing in different parts of the province and the khas mahals. Under the belief that the rent would be fair and reasonable, people have spent a lot of money. Although the idea of Government may be not to remove the tenants or to put any hardship on them, but the result will be that many of the tenants will have to leave their hearth and homes. Government will no doubt make a profit by selling the lands. So, Sir, in order to go into these matters I submit it is necessary that the Bill should be re-committed to Select Committee.

Sir, the Hon'ble Member in charge of the Bill may come forward with the argument that 7 days will however be sufficient to discuss the whole matter threadbare on the floor of the House, and that if this Bill be recommitted, and there is no further meeting of the Council the matter will be shelved. I might instance what happened in the case of the Bengal Money-lenders Bill; it was recommitted to Select Committee and the Bill came back from the Select Committee in such a form that it was acceptable to every member of the House as well as of the public. So I submit that if this Bill be recommitted, it will come back in such a form as to be acceptable to everybody. I also consider that if the provisions contained in the Bill be further considered in the light of the opinion which has been expressed by the public and others to whom it was circulated, the objectionable features of the provisions will be modified. We find, however, that Government want to enact this Bill in the teeth of the opposition offered to its provisions by the British Indian Association, the Bengal Landholders Association, the Bengal National Chamber of Commerce, the Sunderbans Landholders Association, the Dacca Landholders and the public of Dacca who passed a resolution opposing the provisions, particularly clause 4 to which the Hon'ble Member referred just now. I think it is not possible to consider these matters here hurriedly. If the Hon'ble Member is not prepared to accept my motion, I would ask him to withdraw his motion for the time being and to bring forward a separate Bill next time.

Sir, I find that the Hon'ble Member has so far been prepared to make some concession to certain people who are permanent residents on the lands; but one point I would ask to consider is that if he is prepared to consider the case of the permanent tenants or the permanent residents, what will be the position of those who have built houses and let them out. These people had cleared jungles and made the lands fit for buildings being constructed on them. I therefore submit that the same

concession which is being shown to permanent residents should be shown to the other people I have just mentioned.

(At this stage the member having reached the time-limit resumed his seat.)

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that the Bill be recommitted to the Select Committee with instruction to report by the 30th November, 1936, for further consideration and in particular for definite recommendations with regard to lands let out for building purposes to lessees who were required to erect buildings thereon.

Sir, to move for the recommittal of a Bill to Select Committee in this last session of the Council might look a little bit ironical because it might be that it would be difficult to bring the matter again for consideration before this Council. It might be that, so far as this Bill is concerned, the result might be tragic, though I am not sure that it will be so, for my motion is for a report by the 30th of November when the present Council will still be alive. If it is so, however, I submit that the Select Committee has invited that consequence by their own report. I refer to the paragraphs 5 and 6 of the Select Committee's Report. This is what they have stated:

"The Committee heard the representations made by Babu Tapash Chandra Banerjee on behalf of the tenants of such estates of Dacca as have come under the khas possession of Government and by Babu Chandra Sekhar Sen on behalf of the Wari lessees in Dacca.

The question of lands which have been let out for building purposes to lessees who were required to erect buildings thereon according to Government specifications and which are in the actual possession of lessees is one which, in the opinion of the Committee, merits further consideration in order that the new assessment may not be oppressive."

I accept that opinion of the Select Committee that the matter requires further consideration. Well, Sir, if that is so, the Select Committee had no business to submit this report to this Council. This Council is not a place at which this complicated matter can be considered and complicated questions of adjustment of the rights of the people can be gone into. I might not have insisted upon this possibly if the Government had come forward with definite proposals by way of amendment for the purpose of meeting the objections raised. If the Government had made some definite proposals, upon further consideration, for this class of lessees I would have understood it, but the Government have not given notice of any such amendments. I understand that the Hon'ble Member has given some assurance of sympathetic treatment of a certain class of tenants. But that is not what we want; but what we want exactly is that the Council should be given notice of

definite proposals of the Government by way of amendments to the Report of the Select Committee which the Council might consider. The Select Committee has not given any guidance to us on the matter which. the Select Committee thinks, merits further consideration. Though I have not been very long in this Council, but in my memory I do not recollect of ever having come across a report of the Select Committee which leaves a matter which is essentially a matter for consideration by the Select Committee with a recommendation that the matter might be further considered by the Council. I submit that this is—I am sorry I am using strong words—almost trifling with the Council. The Select Committee was asked to go into the provisions of the Bill to consider the pros and cons and to find out solution of difficulties which are visualised and to present before the Council a measure which they recommend the Council to pass. Here the Select Committee has simply said that this is a matter which has got to be considered. Therefore I say that this recommittal motion, whatever its consequence might be, is one which the Select Committee had invited by their report.

Sir, there can be no question that the Bill, as it stands, cannot pass without bringing a great slur upon the reputation of the Government's fairness and even honesty. There are those cases which have been brought before the public more than once, cases of settlement in which people were induced to go on very favourable terms and assurance of permanence and also of very reasonable and low rent. Can one for a moment imagine that the people who took leases of land in Wari and built some of the palatial houses there would have cared to spend their money upon such buildings on a 50 years' lease unless they knew that the rent of Rs. 6 would not be enhanced to something like 300 or 400 times of the original rent. They took it as a business proposition and they expected that the rent of Rs. 6 might be enhanced to Rs. 9 or Rs. 12 but they never expected that it would be enhanced to Rs. 108 or Rs. 150. Upon that basis they proceeded with their construction. They converted the waste lands into beautiful residential sites and now this Council is asked to pass a piece of legislation which authorises Government to go back upon all that and to upset all their expectations. Government are always willing to renew those leases on terms on which it would be almost impossible to take renewals; sometimes, if not always, it would be ruinous. I know that in the case of non-agricultural lands the same principles do not apply to enhancement of rent as in the case of agricultural lands. In agricultural lands rack-renting is objectionable on a number of grounds which do not apply in the case of non-agricultural lands. Here, at any rate, in the case of residential sites it is possible that freedom of contract can be given the fullest effect. But let it be full freedom. I would not mind if the two parties were able to deal with one another at arms length, if it were possible for these tenants to go to other places or to build some other houses without inconvenience

then there would have been the full freedom of contract. If the Government can say "you are free to take or not to take. If you do not accept the terms upon which we are going to renew our lease you can walk out;" on the other hand, if the other party were in the same position and could say "I cannot offer you more than 10 per cent. per *bigha*. If that does not satisfy you I bid you good bye" then I could have understood that. Government can get as much money out of those lands of which they are in possession. But these people have spent all their money on the land and they cannot leave that land; they cannot remove the buildings. It means a ruin to many of them. The elements of free contract are not there. You are imposing something from outside which they have got to accept willy nilly. Therefore you have got to bring into it considerations of justice and fairness, considerations of keeping the faith to the people, considerations of the value of the property to them. It is suggested by this Bill that you will assess the rent on the basis of the maximum of 4 per cent. upon the market value of the land now. Fifty years ago you had a property which was lying waste and wild leased out to the people; they made it into a site with residential quarters and with good houses. Good people were brought on the land when it became a healthy and socially good locality. That naturally increased the market value. The market value has not been increased by anything done by Government; it has been increased by the very improvements made by the tenants. What is the value you are going to put on the improvement carried out by the tenants? I do not find anything in the Bill, any provision, for that sort of improvement carried out by the tenant—an improvement which is not tangible. Take the colony at Purana Pultan in Dacca. It was a bit of land laying waste for years and years. When you let out the land, people were very reluctant to go there. When some people took leases and built houses there was a rush and everybody took on land there. Is it suggested that the present value of Purana Pultan or Wari had not been the result of the very act of settlement there? If that is so where is the provision in the Bill for setting off the value of the improvement that has been effected by the people going and settling there.

The Hon'ble Sir BROJENDRA LAL MITTER: That is clause 4(*e*).

Dr. NARESH CHANDRA SEN GUPTA: I expected my friend to say that. "Any cost incurred in making any improvement in respect of the land or in converting it for the purposes for which it was used at the time when the order under section 3 were made." Does my friend really seriously suggest that this clause includes improvement not represented by brick and mortar or other tangible works—improvements which are intangible—which has been the result of psychological force arising out of the mere settlement of the people in this locality.

The Hon'ble Sir BROJENDRA LAL MITTER: It is a material improvement to the buildings, not a psychological improvement.

Dr. NARESH CHANDRA SEN GUPTA: I am talking of psychological improvement and not of material improvement. If I build a house there the value of the land is increased. Then what does this precious clause say; does it say I can get full value of the land? It says that in estimating a fair and equitable rent under section 3 the revenue officer shall *take into consideration* these things. He takes into consideration these things but brushes aside the improvement. What is the remedy of the tenant in that case? He has no remedy in the civil court because a civil suit does not lie on this ground; but he has a remedy by way of appeal to the revenue authorities. We have some experience of these appeals to revenue authorities and the less we say of them the better it is. Therefore even on the question of improvement which is tangible and which is definitely fixed upon and upon which you can put a money value, this Bill does not lay down any definite rule for assessment of money value on the improvement. Apart from that matter there is another kind of improvement which is effected by the mere settlement of the people in that locality. Everybody knows very well that when a market is established in a locality the lands round about it increase in value; when a railway station is established in a particular place the lands round about also increase in value. That improvement cannot be claimed by the railway authorities under this clause. Similarly, when somebody goes and settles in a wild land and as a result of that other people are induced to go and settle there the improvement effected by that settlement is not capable of money value. Therefore I say that the market value of the present day cannot be entirely put to the Government on the basis that it is an unearned increment of the money value of the land. It is in a way the result of the earlier settlement. I submit that that is a question which has got to be considered. You say that the market value of the whole plot may be taken but how much of the market value is due to the tenants and what credit would you give to the tenants for the market value? There is nothing in this Bill to show that.

I submit that these matters have not been considered in the way in which they ought to be. It is all very well—it is certainly desirable that the Government should let out the lands to the utmost profit; it is a benefit to the community at large. When there is a vacant land non-agricultural—I do not mind rack-rent being put—the higest rent that they can get from the people because there the people are at arms length, they are not bound to take lands at all. But when you have brought people on the land upon promises which you are now breaking not to the letter perhaps but in spirit then I submit the same considerations do not apply. What about the other classes of lands at Dacca.

At Dacca apart from the Wari land there are other Government lands which were originally revenue-paying estates belonging to private proprietors but the private proprietors having defaulted in the payment of revenue these estates were made khas. This rule is going to affect people who took settlement of those lands. All those houses at Nawabpur which was originally the property of private owners will now be brought under this law. On what principle are you going to assess the land on which they had built their houses. Are they different from the land on which assessment can be made by private proprietors? I do not think that Government should have a better position than the private proprietors. If the private proprietors were trying to raise the rent numerous complicated questions would arise and the tenants could go to the civil court. Let the Government do the same. Let them take their stand on contract pure and simple and let the civil courts decide on their rights—just as they would do in the case of private owners. But the Government is not going to let them go to the Civil Court.

There is another astounding provision in section 5. It says:

"Notwithstanding anything contained in the Bengal Tenancy Act, 1885, when an order has been made under section 3 directing a Revenue Officer to estimate fair and equitable rents in respect of any non-agricultural lands in a local area, estate, tenure or part thereof—

(*a*) the rents of such non-agricultural lands shall not be settled under Part II of Chapter X of the said Act, and

(*b*) where any of such non-agricultural lands are comprised in a tenancy which includes agricultural lands the Revenue Officer shall—

(*i*) divide the tenancy so as to constitute separate tenancies for the non-agricultural and the agricultural lands;

(*ii*) apportion the existing rent between the tenancies so constituted;

(*iii*) estimate fair and equitable rents for the non-agricultural lands under the provisions of this Act;

(*iv*) in an area to which the Bengal Tenancy Act, 1885, extends for the time being, settle the rent of the agricultural lands under Part II of the said Chapter, and

(*v*) make such consequential changes in the record-of-rights as may be necessary.

This apparently inoffensive looking section might prove to be quite revolutionary in character. Under the Bengal Tenancy Act where a dwelling house on a non-agricultural land is held by a *raiyat* as a part of his tenancy the law of occupancy *raiyat* applies to that homestead. If I am an occupancy *raiyat* of a holding comprising agricultural lands

and homestead the homestead also is governed by the Bengal Tenancy Act and I acquire an occupancy right in the homestead under this law. Notwithstanding anything in the Bengal Tenancy Act a settlement officer can go and say "here is an agricultural land and here is non-agricultural land; with regard to the agricultural land there is the Bengal Tenancy Act and I must take action under section 105 or whatever section that may be but with regard to the homestead you have no longer an occupancy right and Government have the right to enhance the rent. Therefore we must proceed under this Act, that is to say, I will take the present market value of the land and assess at 4 per cent.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg leave to interrupt. I hope that Dr. Sen Gupta has read the Bill. Clause 2 (5) (*a*) expressly excludes the homestead.

Dr. NARESH CHANDRA SEN GUPTA: Yes, a homestead which is occupied by a person whose primary means of livelihood is agriculture; that does not embrace more than 5 or 10 per cent. of the total number of occupancy *raiyats* in Bengal. Occupancy *raiyats* in Bengal comprise a large number of persons whose primary means of livelihood is not agriculture. There might be many. An occupancy right is owned not only by a person whose primary means of livelihood is agriculture but also by any other person who had occasion to acquire that right. I may purchase an occupancy *jote* with a dwelling house on it. I have purchased it on the strength of the provisions of the Bengal Tenancy Act that I shall have those rights though the primary source of my livelihood is agriculture. But your settlement officer goes and, so far as the homestead land is concerned, he says "I shall squeeze out as much as I can". This is not necessary. The Bengal Tenancy Act gives certain protection and that protection is being taken away by this surreptitious provision, if I may say so, at the fag end of a dying Council. I say this is not only not necessary and not urgent but I say it is merely flouting the future representative Council who may look at the matter in a very different light.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that the Bill be recommitted for reconsideration of clause 4, for fixing maximum limit of rent of the proposed new assessment by adding a proviso to clause 4 so that it may not be oppressive and for reducing the rate with respect to clause 4(*d*).

Sir, while moving the motion standing in my name I would submit that the Bill, as you all know, has been framed to provide a means of securing a proper assessment on non-agricultural lands in Khas Mahals, but in view of some objectionable sub-clauses, I mean sub-clauses (*c*) and (*d*), under clause 4, there is every likelihood of the assessment

being improper. Hence I tabled this motion for recommittal for reconsideration of clause 4 for fixing a maximum limit of the proposed new assessment by adding a proviso and for reducing the rate with respect to sub-clause (*d*).

Sir, what is the main object underlying this Bill? Firstly, it will give wide powers to the Revenue authorities in assessing rent in non-agricultural lands in estates owned by the Government as landlord; secondly, it gives authority to the Collector to realise such rent from the tenant, with consequence of ejectment in case of his inability to pay; thirdly, it will bar the jurisdiction of civil courts in matters relating to the new assessment.

Sir, the procedure of assessment of rent as embodied in the Bill, is that an order will be made by the Local Government directing the Revenue Officer of a particular Khas Mahal area to publish a draft record-of-rights and then to estimate a fair and equitable rent for all non-agricultural lands in that area, which will be confirmed by the prescribed Revenue authorities, and the rent thus settled shall be binding against the tenant. He has no doubt got the right to file civil suits but only on specified grounds, and cannot sue if the rent be unfair or excessive. Thus you will find the law hinges upon proper estimate of rent under clause 4, which is inconsistent with the preamble to Regulation VII of 1822, where the specific direction is that the efforts of the Revenue Officer should be chiefly directed not to any general and extensive enhancement of *jama*. This policy has been ignored and abandoned, by insertion of sub-clauses (*c*) and (*d*) under clause 4, according to which the Revenue Officer shall take into consideration (1) the market value of land and (2) the rent which *would* be payable *if* the rate were fixed at 4 per cent. of such market value. Although I submit that these are not the only criteria of estimating the rent, but I am sure that the Revenue Officer will not be in a position to dispassionately consider the other sub-clauses in preferncе to the almost mandatory provisions of sub-clauses (*c*) and (*d*).

The Bill in question having excluded the homesteads of agriculturists, these two sub-clauses will seriously affect tenants holding homesteads under Khas Mahals in urban areas, and it will be simply serious to them in case these two sub-clauses are not considered. A concrete illustration from the city of Dacca will convince you about the points of objection raised by me. A plot of Khas Mahal land in the town of Dacca measuring slightly above 18 *cottas* was leased out for 50 years with a right of renewal at a rental of Rs. 5 and odd annas per year. The lessee spent about Rs. 3,000 for the construction of structures and let it out for Rs. 10 a month; out of this income he has to pay ground rent, municipal taxes and cost of repairs. Now as similar Khas Mahal lands were sold at the rate of Rs. 6,000 per *bigha*, as, I understand, has been stated by Mr. W. H. Tompson in his report, the value of the land

would be Rs. 5,400. The rent at 4 per cent. would be Rs. 216, even at 1½ per cent. would be Rs. 81. By deducting the municipal taxes, cost of annual repairs, the margin left will not be more than Rs. 81. If rent be Rs. 216 at 4 per cent. the lessee shall have to pay Rs. 96 more than the gross income derived from his capital outlay. This is a typical instance of the absurdity of the assessment at 4 per cent. or even at 1½ per cent. of the market value. The tenant will not only lose his land but also the structures for his inability to pay the absurd rent.

The next point is whether the market value should be the guide for assessing the rent.

The market value being always of a fluctuating nature cannot and should not be the guide for assessing rent of land. It depends upon several factors, specially the existing rent. People may purchase or otherwise acquire such lands in towns in the honest belief that the Government will not enhance the rent of such lands beyond reasonable limits on the basis of the existing rent, and if there had been any previous enhancement, on the previous rate of enhancement. The law specifies the limit up to which a zemindar can enhance the rent of a *raiyat*. They therefore might naturally believe, specially in view of previous limits of enhancement, that the Government will not exceed such limits. This belief mainly accounts for the market value of such land, otherwise would any reasonable man purchase such land if there is any prospect of an inordinate assessment of rent on the basis of the value, which he would pay? As soon as there is excessive enhancement, the market value will fall abnormally. Would the Government then reduce the rent? Again if the rent is reduced, there might be a rise in the market value. The result would be, as I have stated in my dissenting note, a vicious circle.

Let us consider another aspect of the case. People with small income are living in the houses, which had been built either by themselves or by their ancestors. They occupy the house themselves or occasionally let them out. To charge such people with any percentage of the market value as rent would not only cause inconceivable hardship to them but in the long run, they would lose the land as well as the structures standing thereon.

I am not a lawyer but I would ask the hon'ble members of the Council to consider Part II of Chapter X of the Bengal Tenancy Act, wherein the Revenue Officer is directed to settle fair and equitable rent for agricultural tenancies. He is required to maintain, enhance or reduce the rents according to the principles specified in the proviso to section 104A, sub-clause (*d*), *i.e.*, mainly on the prevailing rate in the neighbourhood. No mention of market value has been made in the Act. All these provisions engendered a feeling of security among the tenants

and emboldened them to make improvements in their lands by the erection of structures. Existing rent should therefore be the basis of assessment and not the market value.

In conclusion, I beg to refer you to paragraph 6 of the Report of the Select Committee to the effect that the question of such lands merits further consideration so that the new assessment may not be oppressive. I do not intend to go into further details and in view of the above report of the Select Committee and also for the reasons stated by me, I move that the Bill be recommitted for further consideration.

(At this stage the Council was adjourned for 15 minutes.)

(After adjournment.)

Rai Bahadur KESHAB CHANDRA BANERJI: Mr. President, Sir, I beg to support the amendment moved by Mr. P. Banerji for recommittal of the Bill, and in doing so I do not propose to go into details and thereby waste the time of the Council, but shall confine myself to the general principles underlying the Bill. I cannot congratulate the Government on undertaking legislation of this nature. It is a punitive measure which will have the effect of penalising a large section of loyal citizens whose predecessors had the foolhardiness, if I may say so, in taking settlement of Government Khas Mahal lands for the construction of buildings for residential purposes. By introducing this Bill, the Government have only demonstrated their lack of foresight and want of sympathy for their tenants who came under their protection with a sense of security which they could not possibly enjoy under different conditions. Their hopes have been shattered and they now find themselves in a predicament from which they are unable to extricate themselves. If this unfortunate measure is passed into law, public confidence in the justice of Government will be rudely shaken —a thing which Government in their own interest should try to avoid.

Sir, the framers of the Bill omitted to take into their serious consideration the important declaration made in the Preamble to Regulation VII of 1822 which will bear repetition. My friend Rai Bahadur Satyendra Kumar Das has already referred to it in his speech. It runs as follows:—

"Whereas a moderate assessment being equally conducive to the true interests of the Government and to the well-being of its subjects, it is the wish and intention of the Government that in revising the existing settlement, the efforts of the Revenue Officers should be chiefly directed not to any general and extensive enhancement of the *jama*."

In view of the revision of rent with a nominal increment at long intervals in regard to the Khas Mahal lands situated in the towns, the lessees considered their position secure and had constructed buildings on these lands at considerable expense. Relying on the salutary principles enunciated by the Government in the above Declaration, people

came forward to take settlement of non-agricultural lands in the towns and they erected structures thereon, in some cases with the full knowledge and consent of the Collector, and in some cases buildings had to be constructed under the compulsory terms of the lease. They had not the faintest idea that at some future period the orginal principles of the Declaration would be given the go-by and proposals formulated for the devision of assessment in an unconscionable manner. Then again, Sir, the Bill was introduced in the Council in such feverish hurry that we had no idea of what its effect would be on the unfortunate tenants who happend to occupy such lands. Moreover, the report of the Select Committee was circulated so late that there was very little time for us to give notice of amendments and in fact many of us are not perhaps thoroughly prepared to go into it clause by clause and to deal with it in the way that its importance demands.

From a cursory glance through the terms of the original lease in a particular case, it would appear that no undue increase of rent was intended, nor that the land would be settled on a commercial and competitive basis. Besides, it is understood that the Commissioner of the Dacca Division gave an assurance when the lease was granted that there was no fear of undue increase at the time of their renewal, and upon such assurance being communicated to the tenants, the terms of the lease were accepted by them. The lessees were, moreover, fortified by a letter from the Board of Revenue which was subsequently endorsed by the Government of India in 1895.

The Government consulted several leading associations of Bengal, namely, the British Indian Association, the Bengal Landholders' Association, the Muslim Chamber of Commerce, the Bengal National Chamber of Commerce, the Bakarganj Landholders' Association, the Khulna People's Association and so on, and almost all the public bodies and associations have condemned the Bill in no uncertain terms and have criticised it as a reactionary measure with special reference to sub-clauses (*c*) and (*d*) of clause 4. In this connection, Sir, I would invite a reference to the opinion expressed by the Muslim Chamber of Commerce in Part II in regard to clause 4. The view recorded by the Select Committee in paragraph 6 of their report is merely a pious wish and Government do not seem to realise the importance of the question and its far-reaching effects. I do not find on the agenda any amendment to be moved on behalf of Government on this point. That is what leads me to think that it is a mere pious wish so far as the official members of the Committee are concerned. We are, however, heartened by the announcement made by the Hon'ble Member in charge of the Bill that he has no objection to clause 4 standing over till to-morrow. Let us see if something comes out of it.

There is in my opinion ample scope for further improvement of the Bill in the light of the opinions received by the Department. I think,

I should say something about purchasers and show how Government will be losers if the Bill is passed into law. The Government have evidently embarked upon this piece of legislation in the hope of getting more revenue by the renewal of leases at enhanced rates. But as soon as the people will realise that its provisions are drastic and that the assessment is liable to further enhancement in future, very few of them will come forward to purchase these lands. In this way Government will be losers financially. I do not know whether the Hon'ble Member in charge and the Government as a whole have taken into their serious consideration this aspect of the question. It will benefit neither the Government nor the leaseholders.

These are the few observations that I wish to make upon the Bill at this stage. I do not intend to detain the House any longer by a repetition of the arguments already advanced against the provisions of the Bill. To my mind, it should be referred back to the Select Committee so that it may be purged of its objectionable features.

Mr. SARAT KUMAR ROY: Sir, I beg to support this amendment for recommittal, as I think that although the Select Committee has rectified many of the defects in the Bill, still there are a few others which have been overlooked by it, and I am afraid unless these are removed, the Bill will prove injurious to the community which I represent here.

Sir, it has been admitted by the Select Committee in paragraph 6 of their report that the question of assessment of lands which have been let out for building purpose to lessees who were required to erect buildings thereon according to Government specifications merits further consideration in order that the new assessment may not be oppressive. I think the principle of equity which led them to think so is that Government had allowed these persons to deal with their property in a particular manner and they have done so in the honest belief that they would be allowed to enjoy the property for all time to come. And consequently you ought to look to their interests while you enhance the burden upon such lands.

Sir, what I am anxious to urge for your consideration is an almost similar equitable demand. The zeminders of Bengal, to whose estate alluvial accretions have been formed and who are now holding such accretions as temporary settled estates, were led by the Government hitherto to think that such accretions will be treated similarly as their parent estate. Accordingly they have dealt with such lands in the same manner as they did with the lands of the parent estate, and in many instances they have entered into permanent contracts with their tenants in respect of such land. Had they known that these lands would be assessed later on upon a different basis and at such high rates as they are going to be, they would have dealt with such lands in

a different manner. It is therefore equitable and fair for the parties concerned that this aspect of the question should be taken into consideration while framing the law. But I am sorry the Select Committee did not consider this aspect of the question at all. As a matter of fact, no relief has been provided for the zemindars, who having entered into such contracts with their tenants have now to face a difficulty. They alone are not responsible for it. The inactivity on the part of the Government is also at least partially responsible for it. The Bill therefore ought to be amended so as to provide adequate relief for the zemindars.

Sir, it has been said that their difficulty arises only because of the contracts they have entered into and that the sanctity of these contracts cannot be violated. The Government is helpless in this matter and so it can not help the zemindars.

But, Sir, I may point out that section 191 of the Bengal Tenancy Act gives ample power to Government to ignore such contracts in the case of agricultural lands and they can fix fair rents for all grades of undertenants before framing a Rent Roll under section 104-104E of the Bengal Tenancy Act and finally publishing it under section 102 of the Bengal Tenancy Act and the Record of Rights finally published enables the landlord to demand such fair rents from the tenants.

Sir, I fail to understand why a similar provision has not been made in this Bill for the assessment of non-agricultural lands. The Select Committee has adopted almost all the other provisions of the Bengal Tenancy Act regarding assessment of fair rents and the framing of Rent Roll upon the basis of such fair rents. It is regrettable that there is no provision in this Bill for incorporation of this Rent Roll into a Record of Rights or for the final publication of any such Record of Rights. The absence of any such provision in the Bill, I think, is an inherent defect which ought to be removed. For this purpose also I think the Bill ought to be recommitted.

Maulvi ABDUS SAMAD: Sir, I rise to give my wholehearted support to this recommittal motion; and in doing so I do not like to waste the time of this House by recapitulating the points already urged by the hon'ble mover of the motion as well as by the speakers who have followed. Dr. Sen Gupta has exposed the inequitable and unjust nature of the provisions of the Bill and has made out a strong case for the Bill being recommitted to the Select Committee for reconsideration. Now, Sir, it may be said that the members are following a dilatory tactics with the object of shelving the Bill altogether. But that is not the idea. Dr. Sen Gupta has distinctly stated in the motion that it should be recommitted to the Select Committee with instructions to submit their report by the 30th November in order that there would be ample time for the consideration of the report of the Select Committee during the present session of the Council. This Bill, if it be

passed into law, will, I think, be a law indeed, but it will be a lawless law. I am surprised that a lawyer and jurist of Sir Brojendra Lal Mitter's experience and eminence should think it fit to introduce a Bill of such a drastic nature against all principles of justice and equity. Now, Sir, what is the position? I will not enter into the merits or the details of the provisions of the Bill. Now, for instance, clause 4(*d*) says that the rent may be assessed at 4 per cent. of the market value. It is a known fact that the average rent of a *bigha* of khas mahal homestead land is Rs. 6 and the average market value of such land when it is held khas by the tenant is Rs. 6,000 or Rs. 300 per *cotta*. If 4 per cent. is fixed as rent, it will come up to Rs. 240. For a tenant who now pays Rs. 6 per annum for a *bigha* of land the rent will be Rs. 240 or more. Can there be anything more inequitable or unjust than to enhance the rent by 40 times? We have never heard that the rent of a tenant is ever increased 40 times. Of course, we admit that the Government has every right to demand any amount of rent, they like, from new tenants, but in the case of old tenants who have been let into the land and who have invested large sums in good faith of the Government on constructing dwelling houses on such lands, to enhance it 40 times is rather hard. Of course, the tenants knew that the rent would be enhanced but they never dreamt that it would be enhanced to such an extent. If the tenant cannot pay such an enhanced rent, he will have to go out of the land without receiving any compensation. Therefore, such a sort of legislation which is to be enacted for the purpose of increasing the revenue is most unjust and tyrannical. It may increase the revenue of Government, but it will entail great hardships on the poor tenants who have constructed dwelling houses on khas mahal lands. It seems to me that so far as this piece of legislation is concerned, Government has followed the principle "Now or Never". Government knew full well that under the new constitution where the Executive would be responsible to the legislature, there would be no chance of getting a Bill of this drastic nature passed into law. So, the Hon'ble Member wants to rush it through the present Council. It appears that the Bill was first published in the *Calcutta Gazette* on the 19th March, 1936, when the last budget session was being held. It was forthwith introduced and immediately referred to Select Committee in the same session. The Select Committee concluded its sittings on the 8th September last and the report was published in the *Calcutta Gazette* on the 22nd October last, *i.e.*, during the Puja holidays when many members were absent from their homes and they have had no opportunity of looking into the Gazette. The notice for amendments was served, asking the members to submit their amendments by the 30th October; and I am informed that many of the members received the notice on or about the 30th October. They had therefore neither the time nor the opportunity to send in amendments.

Then, Sir, this Bill has been brought forward now—in the last session of the Council—when the members are more pre-occupied with the thoughts and anxieties of the impending elections than with the provisions of the Bill. So, if this Bill be considered in the present session of the Council, members will not be able to pay proper attention to the provisions of the Bill and the objectionable features of it will remain unaltered. There was no hurry in introducing this Bill; if Government could wait for the last 80 years, there is no reason why they could not have waited for a few months more and introduced it in the next Council.

The last point, Sir, I would like to mention is that the rent will be assessed on the present market value of the land. The market value is always inversely proportional to the rent payable for the land. The less the rent, the greater the market value and *vice versa*. When the rent will be assessed at 4 per cent. on the market value, it will be enhanced; and as soon as the rent is enhanced the value will fall. There is, however, no provision in the Bill that a corresponding reduction of rent should be made when as a consequence of the enhancement of rent the value of the land falls. For all these reasons, Sir, it is only just and proper that the Bill should be considered again by the Select Committee in the light of the opinions expressed by the members and also of the defects and shortcomings which have been pointed out.

Maharaja SRIS CHANDRA NANDY, of Kasimbazar: Sir, I support the motion for recommittal to the Select Committee.

This is a very contentious measure, and considering the short space of time within which they have reported, I think the Select Committee could not investigate into all aspects of the question.

Sir, let us take the preamble of the Bill as modified by the Select Committee and compare it with the important declaration made in the second paragraph of Regulation VII of 1822—which I need not quote as it has already been done by several members.

Sir, a paternal government of the 19th century enunciated this principle of moderate assessment. The principle has worked for more than 100 years and can it be said that it has not created a contented peasantry and contributed towards industrial development in urban areas? I think we shall have to confess in all fairness that this important principle of moderate assessment was, if not anything else, at least considerate having regard to the conditions of the peasant population, and was in some respects better than the proposed one of "proper assessment", as has been termed by the Select Committee. The *raiyats* of the Khas Mahal estate looked upon it as a very important safeguard against the arbitrariness of individual officers and felt secure. Has the proposed Bill any provision to instil this feeling of security in the minds of the tenants, or has the Select Committee made any

endeavour in this respect? I feel sorry to say that throughout the Bill the question of safeguard has not at all been approached.

Sir, there is only one consideration that permeates the framers of the Bill and has dominated the members of the Select Committee—that is the consideration of immediate revenue enhancement. I should ask you, Sir, to approach the question from the other side of the angle and I hasten to add that that side as well does not preclude revenue considerations in an indirect way. It is an important principle in all the taxation measures that you must not kill be incentive to produce when you go to tax a productive enterprise. The Bill under discussion offends this salutary principle of taxation and would kill the sense of security in the Khas Mahal tenants and introduce a chaotic state of affairs. I think I can safely predict that ultimately the Bill will prove a defective one on the grounds of revenue consideration as well.

Sir, let us now take up the question of "fair rents" which is made to depend among other things on two uncertain factors—the "market value" of the land and the rent which would be made payable if the rate were fixed at between 3 per cent. and 6 per cent. (The Select Committee has fixed the rate at 4 per cent.). As has just been assured by the Hon'ble Member we are waiting to see what alteration is made to this section. Apart from the question of the very high incidence of taxation which this would involve the principle of market value is highly objectionable on the grounds of uncertainty alone. Besides it leaves so much at the discretion of the Revenue Officer concerned that the tenant cannot even think of safeguard against arbitrariness. It is unfortunate that the Select Committee could not find its way to scrap down the provisions altogether.

Then again, Sir, I do not know whether the Select Committee at all considered the dangerous repercussions that the adoption of this principle of market value will have in the very important matter of industrial development. Industrial sites are usually chosen in the suburban areas of big towns in order to avail of certain economic facilities. Obviously the principle of "market value" would have a deterrent effect on our industrial ventures if it is apprehended that the ground rent in such areas would go up as soon as a number of factories are built up there, bringing about incidentally rise in the market values in such areas. We are glad to find that many important associations have already expressed their opinion against the Bill. We in Bengal are already backward industrially and a charge is usually made that the Government of the province is not doing as much for industrial development as it should have done or as other provincial governments have been doing. It is one thing for the Government to stand aloof; but certainly it would be objectionable if the Government not only stand aside but actually by its measures retard industrial development. Sir, thus this clause is objectionable in two very important respects—it

assails the established tradition of the solidarity of our land system and at the same time involves conflict with our wider economic interests.

Lastly, Sir, as regards the procedure as to suits and appeals, I find that for the last two years the Government have developed a certain distrust of their judiciary and has been depending more and more on the discretionary authorities of the executive. I do not know whether these portend the coming of a "new despotism" in our future parliamentary Government. Step by step important features are being excluded from the purview of our civil courts, and the present proposal under sub-clause (*2*) of clause 12 and other relevant clauses also makes a similar attempt. The right of appeal undoubtedly there is, but it lies only to superior revenue officers—the Commissioner and the Board of Revenue. From the point of view of the aggrieved tenants it is not a satisfactory arrangement, as evidently the appellate body or bodies being the representatives of the Government, the landlord would be materially influenced by the policy of the Government determined by the exigencies of the budgetary position.

Sir, there is no hurry about it and there is no harm if the matter is referred back to the Select Committee.

The Hon'ble Sir BROJENDRA LAL MITTER: I oppose this motion for recommittal. I congratulate the Government tenants of Dacca on enlisting so much sympathy in this House. It is not surprising in view of the coming election.

The most astounding speech has been the last speech, by the Maharaja of Kasimbazar. He says that this Bill betrays a distrust of the judiciary. Does the Maharaja of Kasimbazar know of any revenue matter in which the civil court has got a say when the matter is the formation of the contract and not a breach of the contract? What is this Bill? This Bill is for the purpose of fixing assessment. It is the same thing as making a contract between the Government and its tenants. For the formation of a contract has anyone ever heard of the intervention of the judiciary? The judiciary steps in when the contract has to be performed or when a contract is broken. This Bill is for the purpose of making a contract, it is for the purpose of fixing the assessment. The judiciary has again, no place here because it is a revenue measure. Then the Maharaja of Kasimbazar said that there was no safeguard against arbitrariness. What safeguard do you want? You have got the Revenue Commissioner, the Board of Revenue and you can come up to Government. (A VOICE: All coloured with the same brush.) Government is settling Government land and if a subordinate officer makes an excessive assessment then the aggrieved party can go to a higher authority for relief. Supposing the Government supports the person who originally made the assessment, then, in the opinion of the Government, the land cannot be given to the tenant on his terms; either he takes the land on Government terms or he does not.

Where does the Maharaja of Kasimbazar find that there is no safeguard against arbitrariness? If the Government be arbitrary, you cannot help it; it is Government land.

Then, he says that there are two uncertain factors in assessing a fair rent. Let us see what the facts are. The whole of this debate has been under the assumption that Government is going to fix the assessment at 4 per cent. of the market value and nothing else: Nothing of the sort. Clause 4 says this: In estimating a fair and equitable rent under section 3, the revenue officer shall take into consideration various factors and one of these factors is the market value of the land. From the way the Maharaja of Kasimbazar dealt with this matter it appears to me as if some new policy is being initiated, some new thing is being thrust upon the House. May I refer you to the Government Estates Manual, Rule 217, which deals with Government land. In giving a long term lease salami should be charged at the initial settlement. The rate should vary according to local conditions. A good working rule would be to fix the *salami* at from 20 per cent. to 40 per cent. of the capital value and the rent at not less than 3 per cent. of that value. When the *salami* is low the rent should be correspondingly high. When no part of the value is taken as a premium or *salami* the full rent obtainable may be taken as 6 per cent. of the capital value. Therefore this idea, this principle of capital value being taken into consideration in fixing the rent is not new. The principle is already in the Estates Manual. One of the factors to be taken into consideration is the market value. There are other factors, namely, the existing rent and the period of enhancement. The second is very important and I am surprised that not a single member referred to that. It is this: The rent generally paid to Government or to any other landlord for non-agricultural lands with similar advantages or of a similar description in the vicinity. That is one of the factors to be taken into consideration, not the sole factor. The other factor is the market value. Then, again, special conditions and the incidence of the tenancy. For instance we have heard that some of the leases contain provision for buildings of a certain specification. That has to be taken into consideration. Every possible thing which has got a bearing upon the amount of rent which ought to be paid in respect of a piece of land—all these various matters—have got to be taken into consideration before you come to a figure; but the assumption has been, by almost all the speakers, that Government is going to charge 4 per cent. of the market value and nothing else and not take any other factors into consideration. I submit that that assumption is entirely erroneous and the whole of the criticism is thus misconceived.

The Maharaja of Kasimbazar says that in the 19th century the policy was moderate assessment and now the policy is proper assessment. Are we to understand that moderate assessment is not a proper assessment? Why should the Maharaja of Kasimbazar assume that a

proper assessment will not be moderate? Why should it be immoderate? There is no reason why it should be immoderate. It should be immoderate if we took market value only into consideration and ignore all other factors bearing upon the land in question. We have heard a good deal about the Dacca lands, specially the Wari lands. I have seen the Wari leases. Every lease contains a special provision, for building to be erected on the land; sometimes the plan has to be approved by the Government engineer and there are various other special terms in those leases. All these will have to be taken into consideration. Again, in clause 4 we say that any cost incurred in making any improvement in respect of the land or in converting it for the purposes for which it was used at the time when the order under section 3 was made, that has to be taken into consideration; that is to say, if in fulfilment of the special conditions of the lease the tenants spent money in erecting buildings on the land, that has got to be taken into consideration. How much did he spend, how much similar land in the vicinity would fetch, that is going to be considered. All these various things will be taken into consideration, among them the market value of the land. What is wrong about it? If you are dealing with your own property would you not make enquiries what the market value of the property is and how much, 3 per cent. or 4 per cent. interest on that land would yield? What is wrong about it I cannot understand. It appears from the debate that something outrageous has been done in considering the market value of the land in fixing the assessment. It really passes my comprehension.

Mr. Sarat Kumar Roy talked about the aggrieved zemindars and accretion to the zemindaries. Most of the accretions are agricultural lands and we are not concerned with agricultural land. Then he said that the rent of the zemindaries settled with the tenants ought to be secured. But that would be outside the scope of this Bill. If Mr. Roy wants any measure of that kind he ought to bring in a Bill himself. This is a Bill for the purpose of settling the revenue, that is to say, the money which Government can claim out of temporarily settled Government lands. It is only for that limited purpose that this Bill has been brought. This is not a tenancy measure. This is not a measure for fixing the rent between different grades of tenants. That would have been a tenancy measure.

Rai Bahadur Keshab Chandra Banerji says that this is a punitive measure intended to penalise a large number of Wari people, because he assumes that the assessment would be unconscionable. Well, I submit that the major premise is wrong and therefore the whole of the argument fails. There is no reason why the assessment should be unconscionable. There is no reason why the assessment should not be a moderate and proper assessment. Again, there is that market value. Every land has got a market value and that ought to be taken

into consideration by the owner of the land. If he did not do that, he would be neglecting his own interest. Government would be failing in their duty if they did not take the market value of the land into consideration in their case. All these items are said to be fluctuating items. The rent generally paid for similar lands in the vicinity also fluctuates. There is nothing static about these matters. All these are fluctuating factors, and that is why all the different factors have to be taken into consideration in order to come to a just and proper conclusion.

Then I come to Dr. Naresh Chandra Sen Gupta. His whole attack is concentrated upon the market value. He says that clause 5, which relates to the procedure to be followed where both agricultural and non-agricultural lands are concerned, is an extraordinary clause. A man takes certain land for agricultural purposes and we find at the time of the resettlement that he has converted a portion of the land to non-agricultural purposes. We propose to assess them separately and in the record-of-rights enter the items separately with regard to agricultural and non-agricultural lands. What is extraordinary about it? That is the only way in which a proper record-of-rights can be kept. What is the alternative? We are dealing with temporary-settled lands, that is to say, a lease is given for a certain period and at the end of that period the tenant is liable to go. Government does not want any of its tenants to go but wants them to stay. But in law at the end of the period, say 40 or 50 years, the tenant is liable to vacate the land. If he has converted a portion of the land to non-agricultural purposes that itself would be good ground for ejecting the tenant. If you have converted a portion of your agricultural land into non-agricultural land, what Government want to do is just and equitable. Take the case of agricultural land over which a railway passes and a railway station is erected; naturally, round about the railway station shops spring up: some of the lands which were taken for agricultural purposes are thus converted to non-agricultural use. Government say that in such cases at the time of the resettlement we shall separate the goat from the sheep, the agricultural from the non-agricultural portion, assess them separately, assess the agricultural portion under the Bengal Tenancy Act and the non-agricultural portion under this measure and then add up and tell the tenant "this is your new assessment for the two portions". What is wrong about it? That is business-like and proper way of dealing with Government land, and any private owner would deal with his land in the same way.

Much was made by one of the speakers of paragraph 6 of the Report of the Select Committee. In that paragraph it is stated: "The question of lands which have been let out for building purposes to lessees who were required to erect buildings thereon according to Government specifications and which are in the actual possession of the lessees is

one which, in the opinion of the Committee, merits further consideration in order that the new assessment may not be oppressive." What happened was this. After we considered all the clauses in great detail as you see from the changes which have been made in the Bill, the question arose——

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. Is it permissible to refer to what happened in the Select Committee?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not going to refer to what happened in the Select Committee: I am not going beyond the report. In the Select Committee certain persons came and gave evidence. Paragraph 5 of the report says: "The Committee heard the representations made by Babu Tapash Chandra Banerji on behalf of the tenants of such estates of Dacca as have come under the *khas* possession of Government and by Babu Chandra Sekhar Sen on behalf of the Wari lessee in Dacca." These cases came up and on that I said that they would require further consideration on the part of Government, and for what? For the purpose of giving concession to the people. Not for the purpose of changing a single comma of the report of the Select Committee but for giving certain concessions to the people who have built houses and lived there for a long time. It would be very hard if these people were suddenly confronted with enhanced assessment. They deserved some concession and it was for this purpose that paragraph 6 was drawn up. Now, I am prepared to tell the Council that Government are willing to make a concession in those cases in which people under leases built houses and lived there for generations. In those cases some concession is called for and Government are prepared to give that concession. Therefore I made a request to you at the beginning of the debate that clause 4 might stand over till to-morrow, because I wanted to announce the precise nature of the concession, but that is not necessary, because in any case clause 4 will not be reached to-day. I am not announcing the precise terms of the concession now but all I say is this that Government have always been and are now willing to make a substantial concession to those who have built houses under the leases and who have used those houses for residential purposes for a long time. I make it perfectly clear that no concession will be given to people who have used their property for commercial purposes—either for letting out or for selling. It is only those who have built houses for the purpose of residence or their descendants and who have actually resided there who will get the concession. In such cases Government are willing to make substantial concessions. The precise nature of the concession I shall announce when I come to clause 4, and that is the object of paragraph 6 of the report. It is limited to the concession to be given to the people who have built houses and have lived there.

Then the stock argument we hear every day "why bring in this Bill at the fag end of the Council". Why have this session? If you have this session, you must have some work to do. It is legitimate work; there is no hurry, no rush. A Bill with similar details was actually introduced in this House three years ago. There were some defects in that Bill, and therefore that Bill was withdrawn and this Bill introduced. This matter has been before the members of this Council for over three years. No one can legitimately say that Government have rushed the Council in any way with regard to this measure. The assessment of non-agricultural lands, as I said when introducing the Bill, is provided for in the Regulation of 1822, but in that Regulation there is no principle by which assessment can be fixed. The result has been that assessment has been made by different revenue officers on different principles and different lines. In order to ensure uniformity, in order to ensure fairness, in order to ensure equity and in order to ensure moderation in assessment, this measure has been brought. This is only a machinery measure. The power is already there under the Regulation of 1822: the power is given to Government to make assessment: Government are given an absolutely free hand. Government want all revenue officers who have got the duty of making assessment to know the proper way of making the assessment. That is the purpose of this Bill and that was the purpose of the Bill of 1933. Therefore, this is not a new measure sprung upon this Council. It is an old thing. The whole of the trouble is that election is so near and any revenue measure—this is treated as a revenue measure, because the chances are——

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. Is the Hon'ble Member entitled to ascribe motives to members of the Council? It is preposterous.

The Hon'ble Sir BROJENDRA LAL MITTER: I am ascribing no motive, Sir. Much of the criticisms would have been left unsaid at any other time, and it is only on account of the imminence of election that we hear all these perfervid criticisms. This is a measure which is necessary for protecting the revenues of Government, and I oppose the motion for recommittal which means killing this measure.

Mr. P. Banerji's motion that the Bill be recommitted being put, a division was taken with the following result:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Baksh, Maulvi Syed Majid.
Banerji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chatterjee, Mr. S. C.
Choudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Yousuf Hossain.
Choudhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nural Absar.
Das, Rai Bahadur Satyendra Kumar.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Khan, Khan Bahadur Maulvi Muazzam Ali.

Khan, Maulvi Ali Akbalia.
Khan, Khan Bahadur Maulvi Hasham Ali.
Khan, Mr. Nazaar Rahman.
Khan, Maulvi Tamizuddin.
Maiti, Mr. S.
Mitra, Babu Sarat Chandra.
Mukherji, Rai Bahadur Satish Chandra.
Mullick, Mr. Kartick Chara.
Nandy, Maharaja Sris Chadra, of Kasimbazar.
Rahman, Khan Bahadur A. F. M. Abdur.
Rahman, Maulvi Azizur.
Ray, Babu Khetter Mahan.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Nagendra.
Roy, Mr. Satiswar Singh.
Roy, Mr. Sarat Kumar.
Roy Chowdhuri, Rai Bahadur Nem Chandra.
Saadatullah, Maulvi Muhammad.
Sadeque, Maulvi Muhammad.
Sahana, Rai Sahadur Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Akshoy Kumar.
Sen Gupta, Dr. Naresh Chandra.
Singh, Srijut Taj Bahadur.

NOES.

Basu, Mr. S.
Blandy, Mr. E. R.
Bose, Mr. S. M.
Cohen, Mr. D. J.
Das, Babu Guruprosad.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. S. S.
Edgley, Mr. R. R. A.
Elcock, Mr. James.
Farequi, the Hon'ble Nawab Sir Mahleddin, Kt., of Ratanpur.
Ferguson, Mr. R. H.
Gilchrist, Mr. R. N.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Mr. P. B.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Human, Mr. P. T.
Hooper, Mr. R. R.
Hosain, Maulvi Latafat.
Kinderaley, Mr. J. B.
Jenkins, Dr. W. A.
Maguire, Mr. L. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Nag, Raiserpad B. A.
Nazimuddin, the Hon'ble Khwaja Sir.
Norton, Mr. H. R.
Porter, Mr. A. E.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Sris Chandra.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Studd, Mr. Eric.
Walker, Mr. R. L.
Woodhead, the Hon'ble Sir John.

The Ayes being 39 and the Noes 38, the motion was carried.

Adjournment.

The Council was then adjourned till 3 p.m. on Tuesday, the 10th November, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 10th, November, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers, and 102 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Detenu Surendra Nath Banerjee of Barisal.

*7. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that detenu Surendra Nath Banerjee of Barisal now confined in the Berhampore Detention Camp has an allowance of Rs. 20 only per month granted for his family?

(*b*) Is the Hon'ble Member aware that the said detenu has got his wife, daughter aged about 17 years, widowed mother aged about 80 years, and a widowed sister dependent entirely on him?

(*c*) Is it a fact that his unmarried daughter, a student of class VII in the Deshabandhu Girls' School, is suffering from Anæmia and slow fever and cannot afford to have any treatment?

(*d*) Is the Hon'ble Member aware that the said detenu's family has no other income except the Government allowance?

(*e*) Is the Hon'ble Member aware that the said detenu was a medical practitioner and used to maintain the whole family with his earnings?

(*f*) Is it a fact that repeated petitions have been submitted referring to the condition of the ladies of the family and their inability to arrange for the treatment of the girl?

(*g*) How many petitions have the Government received drawing their special attention for the increase of the family allowance or in the alternative, for the release of the detenu?

(*h*) Are the Government considering the desirability of reconsidering the question of allowance granted to the family of the detenu?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) Government are not prepared to give the information asked for in this question.

(*b*) and (*d*) Government understand that the detenu has a brother who is in a position to contribute to the support of his mother and sister.

(*c*) Representations to this effect have been received.

(*e*) The detenu was a medical practitioner without any recognised qualification. Government are satisfied that he was not able to spend from his earnings any more on the maintenance of his family than the amount of the allowance which Government have made.

(*f*) Yes.

(*g*) Twelve.

(*h*) No.

Mr. P. BANERJI: Is it the view of the Hon'ble Member that it was possible for the detenu to maintain his family with Rs. 20 only when he was practising as a medical practitioner?

The Hon'ble Sir ROBERT REID: I think I have answered that question, Sir, in the answer given to sub-question (*c*).

Dr. AMULYA RATAN GHOSE: With reference to answer (*c*), what arrangements have the Government made for the education of his daughter, after having received representations to that effect?

The Hon'ble Sir ROBERT REID: Government made no arrangement for her education.

Maulvi SYED MAJID BAKSH: How many family members has this detenu got?

The Hon'ble Sir ROBERT REID: I have no information, Sir.

Mr. P. BANERJI: Is the Hon'ble Member aware that his brother is living in a separate mess and is not supporting his mother and widowed sister?

The Hon'ble Sir ROBERT REID: I am not aware of that.

Money spent in schemes of rural uplift.

***8. Mr. NARENDRA KUMAR BASU:** Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(i) how much money was actually spent on each of the works mentioned in the schemes of rural uplift presented to the Council

on the 25th March, 1936, in reply to starred question No. 76 up to the end of March, 1936; and

(*ii*) how much money has been spent on each of such works between the 1st April, 1936, and the 31st October, 1936?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*i*) The figures in column (3) of the statement placed on the table give the required information.

(*ii*) The figures in column (4) of the statement show the expenditure incurred from the 1st April, 1936, up to the 30th September, 1936; the figures for October, 1936, are not yet available.

Statement referred to in the reply to starred question No. 8.

Schemes.	Sanctioned allotment.	Expenditure up to the end of March, 1936.	Expenditure, from April, 1936, to September, 1936.
1	2	3	4
	Rs.	Rs.	Rs.
1. The establishment of seed, paddy and crop demonstration centres.	1,09,000	..	32,269
2. The improvement of cattle and fodder crops.	1,75,000	900	76,645
3. The improvement of poultry ..	500	..	209
4. Propaganda work in the districts ..	20,000	..	18,178
5. Wireless transmission in Midnapore ..	17,000	..	11,338
6. The improved marketing of jute and paddy.	50,000	..	..
7. The establishment of coir spinning and weaving demonstration parties.	40,700	7,063	6,037
8. The establishment of Union Board Dispensaries and improvement of water-supply.	3,84,000	1,23,562	84,750
9. Attachment of agricultural farms, etc., to secondary schools and provision of playgrounds and village halls.	1,80,000	1,76,610	2,400
10. Grants-in-aid of the Boy Scout, Girl Guide and Bratachari Movements.	20,000	20,000	..
11. Minor Drainage and Flushing schemes	3,03,000	..	1,80,000
12. Improvements in the Chittagong Hill Tracts.	30,000	8,572	11,437
13. Discretionary Grants to Commissioners and District Officers.	2,05,800	76,641	22,680
14. Grant to Sriniketan	11,000	..	3,000
15. Grant for school playgrounds ..	49,000	..	..
Total ..	15,95,000	4,13,348	4,29,042
Unallotted ..	5,000	..	..
	16,00,000	4,13,348	4,29,042

Maulvi SYED MAJID BAKSH: With regard to item 11 in the statement, will the Hon'ble Member kindly tell us for what minor drainage and flushing schemes money has been provided, and that for which districts?

The Hon'ble Sir JOHN WOODHEAD: I must ask for notice of that question.

Maulvi SYED MAJID BAKSH: With regard to item 6, why no money has been spent although Rs. 50,000 was allotted for the improved marketing of jute and paddy?

The Hon'ble Sir JOHN WOODHEAD: Because the scheme for the improved marketing of jute and paddy has not yet been finally framed.

Maulvi SYED MAJID BAKSH: With regard to item 15, may I enquire why no money has been spent on the project?

The Hon'ble Sir JOHN WOODHEAD: Because that amount was allotted not very long ago. It represented the saving from the proposed expenditure on wireless in Midnapore, namely, item No. 5.

Maulvi SYED MAJID BAKSH: But my question was with regard to item 15?

The Hon'ble Sir JOHN WOODHEAD: I am aware of that, Sir, and I have been talking about item No. 15.

Maulvi TAMIZUDDIN KHAN: With regard to item 6, will the Hon'ble Member be pleased to state whether there is any likelihood of the money being spent on this project in the course of the current financial year?

The Hon'ble Sir JOHN WOODHEAD: I would not like to answer that question.

Maulvi SYED MAJID BAKSH: With regard to item No. 15, were any applications received for school playgrounds from any of the schools concerned?

The Hon'ble Sir JOHN WOODHEAD: I must refer the hon'ble member to the Hon'ble Minister for education.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state what percentage of this grant was allotted to the district of Dacca?

The Hon'ble Sir JOHN WOODHEAD: I think that information was given in reply to a question in the last session.

Female convicts in Bengal jails.

*9. **Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) the number of females now in Bengal jails who were convicted of political crimes;

(*ii*) their academic qualifications;

(*iii*) the terms of their imprisonment; and

(*iv*) the classes in which they have been placed in jails?

(*b*) Will the Hon'ble Member be pleased to state whether in any of the cases referred to in (*a*) the Special Tribunal recommended Local Government for showing clemency?

(*c*) If the answer to (*b*) is in the affirmative, have the Government taken any action accordingly?

(*d*) If no action has been taken on the recommendation of the Special Tribunal, are the Government proposing now to do so?

(*e*) Are the Government considering the desirability of releasing on proper safeguards, any of these female convicts?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) Eight females convicted of terrorist offences are now in Bengal jails.

(*ii*) As far as is known one is a graduate, one has passed the Intermediate Examination and one has passed the Matriculation Examination.

(*iii*) From 2 years to transportation for life.

(*iv*) 4 in Division II and 4 in Division III.

(*b*) In one case, the Special Tribunal observed that it was for the Local Government to consider whether they were prepared to treat the case with clemency.

(*c*), (*d*) and (*e*) No.

Maulvi SYED MAJID BAKSH: With reference to answer (*iv*), what was the nature of the offences these prisoners in Division II and Division III were convicted of?

The Hon'ble Sir ROBERT REID: I cannot give any further information beyond what is already given in the answer to (*a*) (*i*).

Maulvi SYED MAJID BAKSH: On what basis was this division made?

The Hon'ble Sir ROBERT REID: On the usual basis of their previous habits of living and what they were accustomed to.

Dacoities in Bankura.

***18. Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for each of the years from 1931 to 1936—

(*i*) the number of dacoities in the district of Bankura; and

(*ii*) the number of murders committed?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) in how many of those two classes of crimes, the offenders were arrested, tried and punished; and

(*ii*) in how many of them the offenders could not be traced?

(*c*) Is the Hon'ble Member aware that owing to the unbridged waterways intersecting the roads of the Bankura district, the Police officers during the rains are hampered in taking prompt steps either to prevent crimes or arrest ciminals?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) and (*b*) A statement is laid on the Library table.

(*c*) Yes.

Rai Bahadur SATYA KINKAR SAHANA: From the statement laid on the library table, I find that in 1931, the number of dacoities in the district of Bankura was 21, and in 1936 up to date, that is, within ten months and ten days, it has gone up to 69. Murders in 1931 were 12; in ten months in 1936, the number is 18. There is no doubt, therefore, that criminality is increasing in that district, but we find that out of the 69 cases this year, there were only four cases in which offenders were arrested, and out of those four cases, only two resulted in conviction——

Mr. PRESIDENT: I cannot allow you to argue in this way, Rai Bahadur. If you want to elicit further information, you must do so by putting supplementary questions only.

Rai Bahadur SATYA KINKAR SAHARA: But the answers have been given in such a way that if I want to put supplementary questions, I must have to make an explanatory statement beforehand.

Mr. PRESIDENT: But I cannot allow you to do so. Supplementary questions must be direct and to the point.

Rai Bahadur SATYA KINKAR SAHANA: What steps have the Government in contemplation to check this increasing criminal propensity in the district?

The Hon'ble Sir ROBERT REID: Government are relying on the local police officers to take every possible step to reduce crime.

Rai Bahadur SATYA KINKAR SAHANA: In answer to (c), the Hon'ble Member admits that owing to the unbridged condition of the roads, the police officers during the rains are hampered in taking prompt steps either to prevent crimes or arrest criminals, and in view of that statement, what steps have Government been taking to make bridges over the rivers in that district?

The Hon'ble Sir ROBERT REID: I think that is primarily the concern of the district board of which the Rai Bahadur is a member.

Rai Bahadur KESHAB CHANDRA BANERJI: How many of these were river dacoities?

The Hon'ble Sir ROBERT REID: I am not aware that river dacoities happen in Bankura, Sir.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Local Self-Government (Amendment) Bill, 1936.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to present the Report of the Select Committee on the Bengal Local Self-Government (Amendment) Bill, 1936.

I beg also to move that the said Bill, as reported on by the Select Committee, be taken into consideration.

In moving this motion, I would only refer to the very important changes that have been recommended by the Select Committee. The Bill was very carefully considered by the Committee, and they have made certain amendments. One important amendment that has been suggested by the Select Committee is incorporated in sub-clause (*2*),

namely, that the provisions of this Bill will not come into operation unless they are actually brought into force by Government. This power is proposed to be taken just to avoid certain practical difficulties which may arise if this Bill is brought into force without such powers of not bringing it into operation in certain areas. For example, Sir, the word "year" is proposed to be defined in this Bill. There is a difference with regard to the meaning of the word "year" with reference to the preparation of the electoral rolls for areas under union boards and for areas which are not under union boards. For areas which are under union boards, the "year" is the Bengali year, whereas for areas which are not under union boards, there is no such definition in the Local Self-Government Act. For such areas, there is no definition for the word "year," and Government are advised that in such cases, the year should mean the calendar year. So, for the preparation of the electoral rolls, two different kinds of year have to be taken into account, namely, the calendar year for non-union board areas and Bengali year for union board areas.

If this Bill is brought into operation without any restriction, and if preparations of electoral rolls are being proceeded with in some of these areas, there may arise practical difficulties and anomalies, and to do away with that, Government propose to take power to postpone the operation of this Bill in a particular area where the electoral roll has been already prepared or is in the course of preparation.

Sir, there is another difficulty which arises in connection with clause 7 of the Bill. It is proposed to extend the life of the district boards to five years from four, and it may be that proceedings for election with regard to some of the district boards have already been taken. If this Bill were passed into an Act and came into force, all the proceedings would become nugatory with regard to those district boards. It is just to prevent such difficulties that Government propose to take power to keep in abeyance the operation of the Act with regard to particular areas, and that the Act will be brought into force only by a special notification.

Another important change which the Select Committee has recommended is incorporated in the new clause 36E, and this is in connection with the perparation of the electoral roll as well. The provision of the Village Self-Government Act at present is that any one who had paid the necessary union rates in the year preceding the election year would be entitled to be brought on the roll. Now it may happen that for some unavoidable reasons, the holding of elections might have to be postponed beyond the financial year. The year defined here is the financial year. If an election is postponed beyond the 31st March, then the electoral rolls become inoperative, and the preparation of fresh electoral rolls will have to be undertaken for holding elections which mean

unnecessary cost and useless waste of time and energy. Government propose to define the year as the Bengali year, and the electoral roll, if published within the year, will continue to be valid with regard to the elections. That is the object with which the amendment has been introduced.

When the Bill was introduced in the Council on the 30th March, 1936, there were apprehensions expressed from certain quarters of the House that it was a hasty piece of legislation. I tried to explain on that occasion that it was nothing of the kind. The question of the abolition of local boards had been pending before Government since 1922, and during this period Government did consult the district boards, the public bodies and the conference of chairman of district boards more than once. The last occasion when the chairmen of district boards were consulted was January, 1930, and with the exception of three or four districts, all the chairmen practically were in favour of the abolition of the local boards. So, the Bill has been introduced not a day too early. After careful consideration, after fully consulting public opinion and taking into account the opinion of those who are responsible for the management of the affairs of district boards, Government decided to introduce this piece of legislation——

Mr. NARENDRA KUMAR BASU: Was any opinion taken on clause 7?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it is difficult for me to say whether opinion was taken on a particular——

Mr. NARENDRA KUMAR BASU: What I refer to is the question of the tenure of office of a district board. Was any opinion taken on that question?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes.

Mr. NARENDRA KUMAR BASU: Was that opinion taken from the public?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I shall come to that later on.

The Bill was introduced after full consideration and not a day too early, as I have already said. There were objections to the optional power that is being taken for abolishing local boards, and I fully gave the reasons that weighed with Government on the last occasion, namely, that there may be districts which on account of their areas find it difficult to administer the affairs of the farthest ends of the districts from the centres, and in those cases, the retention of the local boards

might be justified on administrative grounds. There might also be districts where communications had not yet been fully developed, and it might be necessary in such districts to retain the local boards on the same grounds, namely, administrative grounds. There may also be other districts where there may be special interests in particular subdivisions, for instance, the coal interests in the subdivision of Asansol or the tea interests in certain parts of the district of Jalpaiguri, and there the retention of the local boards might also be desirable. There may be cases, Sir, where the local boards might be functioning quite well, and their abolition would not be justified. On these various considerations, Government decided that it would be better to make the power absolutely optional instead of making it obligatory. If the district boards and Government agree to abolish a particular local board, then and then only the local board will be abolished. But as I have said, the majority of the district boards are in favour of the abolition of local boards. Therefore, there is no apprehension that this optional power is going to be abused. There is every chance of local boards being abolished in the majority of cases and only in special cases and on special grounds they are likely to be retained. So, I maintain that this optional power is quite salutary, and Government feel justified in introducing the Bill in that form.

My esteemed friend, Mr. Narendra Kumar Basu, suggested that the abolition of the local boards might lead to a centralization of power which would be against the general trend of policy of the present day. The order of the day in decentralization; so, Government should not introduce any new legislation for centralizing powers. I did try to explain on the last occasion that there is no apprehension whatsoever of the power being centralized. The idea is that where local boards would be abolished, the functions and duties of the local boards as far as practicable would be transferred to the union boards. But there may be certain important duties which would be beyond the financial capacity of the union boards to discharge, and those duties would have to be retransferred to the district boards. Besides this, there is a fundamental objection to the proposal of Mr. Basu. The abolition of district boards and the retention of local boards would mean the establishment of district boards in different subdivisions which would entail additional expenditure on staff. But these local boards would not have sufficient funds at their disposal. They will naturally have to depend on the collection of cesses within their individual jurisdictions. At present, if a particular portion of a district is undeveloped, the district fund can be spent on the undeveloped area, irrespective of the fact whether that particular area contributes more or less to the district fund. But if, on the other hand, Mr. Basu's proposal is accepted, it would handicap greatly the local boards because they would have additional responsibilities and additional duties, but limited resources.

Besides, in cases of epidemics, or in cases of comprehensive schemes for water-supply, for medical relief, etc., it is much better to treat the district instead of the subdivision as the unit. So, comprehensive schemes would be impossible if the district boards were abolished, and the local boards became separate and individual units. From the point of view of controlling epidemics too, that proposal would be wholly unacceptable. On these grounds Government did consider that it was impractical to abolish district boards and retain local boards with additional powers and responsibilities.

With these words, Sir, I beg to move my motion.

The motion was put and agreed to.

Clause 1.

Mr. P. BANERJI: I beg to move that for sub-clause (2) of clause 1 the following be substituted, namely:—

"(2) It shall come into force on such date as the Local Government may, by notification in the *Calcutta Gazette*, appoint."

My object in moving this motion is very simple. The Hon'ble Minister has just told us that public opinion is mostly in favour of this Bill and that most of the chairmen of district boards, barring three or four, have all supported this proposal. That being the case, Sir, I would put it to the Hon'ble Minister whether it would not be proper to accept my motion. He has just tried to convince us, but I think that his argument is not at all convincing when he says that we have to act up to the wishes of three or four district boards and that the rule of the majority will not prevail here. Government have told us again and again that law must be equally administered, and it must be the same for the rich and the poor alike and must apply to all parts of the province. But it appears that through this innovation in the Select Committee the Hon'ble Minister now wants——

Mr. PRESIDENT: Are you speaking of sub-clause (2) of Clause 1?

Mr. P. BANERJI: Yes, Sir, I am doing so

Mr. PRESIDENT: I am afraid you are off the rails. Please confine your remarks to this sub-clause only.

Mr. P. BANERJI: But the Hon'ble Minister now wants to say that in some places the Local Boards which still exist——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I just point out that this optional power has nothing to do with the amendment now before the House?

Mr. P. BANERJI: I want to delete this clause altogether. Therefore, I consider that it is up to you, Sir, to say whether I am relevant or not: and not for the Hon'ble Minister. Sir, I want to delete this portion which is an innovation of the Select Committee, and I want to substitute that by the amendment that I have moved. Therefore, Sir, I do consider that I am quite entitled to speak on sub-clause (2), in the way I am doing. The object of this sub-clause is that this "section shall come into force at once and the remaining provisions of this Act in whole or in part shall come into force in such areas and on such dates as the Local Government may by notification in the *Calcutta Gazette* direct, and for this purpose different dates may be appointed for different provisions of this Act and for different areas."

Now, Sir, the whole object of this as has been pointed out by the Hon'ble Minister, is that this law will not be operative at once, but at the same time it keeps a loophole for those district boards which do not agree to abolish the local boards in their districts. That is another implication of his Bill. Therefore, with that object in view, I do say that this clause should be abolished so that it should be filled in at the end where we come to the place where Government want to give this option to some of the district boards. Therefore, Sir, I move my motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In my opening speech I did try to explain the justification of inserting clause 2. In the union board areas the electoral roll is prepared according to the financial year, whereas in non-union board areas it is prepared according to the British calendar year. In clause 3 of this Bill the Select Committee has suggested a definition of the word "year" which is the financial year. If this Act is brought into operation throughout the province, there may be cases where elections to district boards are pending, so that this section will cut across the election proceedings in those areas; it is just to avoid this anomaly that sub-clause (2) has been inserted. It is a very essential clause, designed to avoid such anomalies.

The motion was put and lost.

The motion that clause 1 stand part of the Bill was then put and agreed to.

The motion that clauses 2-5 stand part of the Bill was put and agreed to.

The motion that clause 6 stand part of the Bill was put and agreed to.

Clause 7.

Mr. P. BANERJI: I beg to move that in clause 7, in line 2, for the word "five" the word "three" be substituted.

In moving this motion, Sir, I must say that ever since the year 1885 the term of life of district boards was only for 3 years. But the Hon'ble Minister in 1932 by an amending Act made the term 4 years, and now he wants to make it 5 years. I fail to understand what reason there may be for extending it further now. As the district boards are at present functioning, we consider that it should even be less than 3 years so that time should be given to new people to come in and make thorough changes, if necessary, and so that one section of the people may not be sitting tight at the head of the district board for years together, doing absolutely nothing. I consider, Sir, that this permanency should not be given to the district board executives. With this idea, I think it was decided in 1885 that the term should be for 3 years and from 1885 right up to 1932 this provision worked well. But I do not know for what reason ever since the Hon'ble Minister has been in office he has been trying to increase this period from year to year. Perhaps here again three or four district boards, as he has just now said, are going to change the whole thing? That, Sir, is perhaps the reason behind the present proposal. Perhaps some time after he will come again with an amending Bill aiming at extending the life of district boards for 10 years. Therefore I do consider, as the leader of the opposition pointed out in the Select Committee that there is no need for increasing the life of local bodies from 3 to 4 or from 4 to 5. There is a note of dissent also recorded by him to this effect. I therefore consider that it should not even be 4 but 3. With these words I move my motion.

Rai Bahadur KESHAB CHANDRA BANERJI: Mr. President, Sir, I am sorry I cannot see eye to eye with my friend Mr. P. Banerji so far as his amendment is concerned: nor can I conscientiously support the provision in the Bill to amend clause 7 which proposes to extend the life of the district boards from four years to five. Mr. P. Banerji's is the only amendment on clause 7, but if any amendment had been tabled for the total deletion of clause 7, I would have been glad to support it. My main objection is this: If the term of office of the members of the district boards were reduced to three years, it would not be in line with a similar provision of the Bengal Municipal Act. The lifetime of the municipalities as well as of the district boards has been extended to four years by recent amendments of the Bengal Municipal Act and the Local Self-Government Act. Mr. Banerji's motion is for reducing this period to three years. To my mind, neither three years nor five years would be a suitable period. I am,

therefore, of the opinion that the *status quo* should be maintained, for five years would be too long a term which may not prove to be in the interest of the public in all cases. In the case of those public bodies the administration of which is not run on sound lines, the change contemplated by this amendment would perpetuate a wrong system which is not desirable. I have, therefore, no other alternative than to oppose the amendment.

Mr. NARENDRA KUMAR BASU: Mr President, may I rise on a point of information? May I ask whether for a member who does not accept the amendment moved by Mr. P. Banerji it will be open to him to speak on the present clause as it stands in the reoprt of the Select Committee when the clause is put for acceptance?

Mr. PRESIDENT: The amendment as well as the clause of the Bill to which it relates are before the House and any remarks made in regard to the clause itself will be in order.

Mr. NARENDRA KUMAR BASU: With this ruling given by you I beg to rise to oppose the clause in the Bill as it stands. Sir, I have given my reason in brief in the note of dissent which I have attached to the Select Committee's report. I said there: "I have not been apprised of any facts rendering this change necessary. The term of office of district boards was three years ever since 1885. This was changed to four only at the end of 1932, and we have had no experience of how the prolongation has affected the working of the boards and their executive. I therefore oppose this change." These in brief are my reasons for opposing this change, and I think with Rai Keshab Chandra Banerji Bahadur who spoke just before me, that a period of five years is much too long to allow any executive to function with proper efficiency. It does not only give no scope to new blood coming in, but it tends to make the executive not as strict and efficient as it ought to be. We were told that some of the chairmen and officers of district boards take a couple of years to learn their work and for the last and third year they have got to look to the next election. Therefore, if the term is extended to four years, they will have one year more to do their work and to do it more efficiently as well. That was one of the reasons in favour of the extension to four years made in 1932. Is the same reason advanced for the present change? I submit, Sir, that is certainly not a reason which can appeal to any member of the House who is not the chairman of a district board! I think that when this Council in 1932 extended the life of the district boards from three to four years, they intended to see what the effect of that alteration would be, and I have been trying to find out in any of the Government reports as to the effect of

that alteration on the efficient working of the district boards; but I have failed to find any indication of this anywhere. For these reasons I do think that the existing state of things should be maintained and the life of the district boards should remain at four years and should not be extended to five years.

Mr. P. N. GUHA: Sir, I also oppose this motion. I do not find any valid reason for giving a longer lease to the life of the district boards of the province. I think that the Hon'ble Minister has taken his cue from the new constitution or he might have received his inspiration from the length of the life that we in this Council have been enjoying, but people who know anything of the affairs of the districts will agree with me in thinking that five years is too long a period for any chairman or any set of members to control the affairs of a board. Sir, it is a well-known fact that in this country the people become busy at the time of election but therafter forget all about the institution to whom they have sent their representatives. This indifference of voters has almost always proved injurious. Instances are not wanting to prove that the remoteness of the election has given ample opportunities to the elected members to mould matters in most objectionable ways. The only remedy to put a stop to the arbitrary ways of the members is to compel them to face the voters after a reasonable interval. A period of three years is quite a long period and the members of the district board should be compelled to go to their constituencies after that.

Sir, my friend, Mr. Narendra Kumar Basu who was a member of the Select Committee said that someone represented to him a chairman just elected generally took two years to learn his business and he could not do any useful work unless at least three more years were given to him for that purpose. Sir, I hold that a gentleman who takes two years to learn the business of a district board, would do well to go and sit in the bench of an union board to learn A, B, C of the principles of Local Self-Government. Sir, my personal experience is quite otherwise. I have known men who have worked efficiently as chairmen of the district boards within a few months of their election. This can be said safely with regard to the chairmen of the district board of my district. This gentleman began to work so well immediately after his election that people were simply surprised. This I am sure will be the case with all intelligent men, and none but intelligent men should be given the chairs of the district boards of Bengal. Five years' term has been given to the municipalities of Bengal and Rai Keshab Chandra Banerji Bahadur thinks that the proposed five years' terms for the district boards has been thought out for the purpose of giving uniformity to all the local self-governing bodies. That may be

so, but we need not forget that the people who live within the jurisdiction of the municipalities do not stand on the same footing with the people whose needs are catered for by the district boards. I am afraid that the Hon'ble Minister in charge of the Department of Local Self-Government is showing too much anxiety to honour the abstract principles of the constitution. That is well and good, but I very earnestly request him that in his desire to be constitutional, he need not overlook the actualities. He may take it from me that his proposal if accepted by the House will give too long a rope to the district boards, and no one will hereafter be surprised if both the electors and elected are compelled to hang themselves with the help of that rope. Sir, my own opinion is that three years' term as was embodied in the original Act of 1885 was very good, yet it was recently extended by one year. We ought to stop there and advance no further, at least till the amended period has been in existence for a sufficiently long time. Sir, I oppose the motion.

Maulvi ABDUS SAMAD: Sir, I oppose this motion. The amendment is opposed on the ground that five years is too long a period. We all know what is sauce for the gander is sauce for the goose. According to my friend if five years be not a long period for the new Legislative Assembly, I do not see why this should be considered too long for the district boards. One fact which the supporter of the motion has overlooked is that there will be a great saving in the cost of elections now, if within 20 years there be four elections instead of five elections, that is if the life of the district boards is extended from four to five years. In view of the financial condition of the district boards, they can ill-afford to spend so much money, and I think it will give a longer security to the members of the executive and they will be in a better mood to carry out improvement works for the district boards.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the amendment has been introduced not merely with a view to give the members of the district boards or the chairmen of the district boards a longer opportunity to serve and thereby to complete their work, but mainly on the ground of cost. Since 1932 when the life of the district boards was extended from three to four years, the Village Self-Government Act has been amended and the franchise for election to the local boards and the district boards has been very much lowered by that amendment. The result is that the electorate has greatly increased. Formerly, the qualification was the payment of Re. 1 as *chaukidari* tax, or Re. 1 as union board rate or the cess. Now, it has been reduced to six annas *chaukidari* rate, 6 annas union board rate and 8 annas cess. It has greatly added to the number of the electorate and consequently the cost of the elections. The average cost before was in the region of

Rs. 6,000 to Rs. 8,000 for an average district board. But I would now give you the figures which it would cost the district boards under the new system; and I would ask the hon'ble members to judge for themselves whether or not Government are perfectly justified on that ground in proposing this extension in the life of the district boards. Take for example, Sir, the district of Midnapore. I understand that the cost used to be something like Rs. 6,500. The cost is now going to be increased to Rs. 34,700 under the new system. (A VOICE: Whose estimate?) Government have estimated. Take, for example, the district of Jessore, the cost will be Rs. 19,000 it never used to be more than Rs. 6,000. So in the case of Rajshahi the cost will be about Rs. 19,000, it never used to be more than Rs. 5,200. In the case of Mymensingh the cost will be nearly Rs. 45,000. So it will be pure waste of time and money to have elections every fourth year. An attempt has been made by introducing this amendment to minimise the cost by spreading it over a number of years. (A VOICE: Why not make it 10 years?) It is very easy to be ridiculous and to pull the leg of the Minister, but I do not think that it is the proper way of approaching a serious question like this. I would ask the hon'ble members to take into consideration the waste of money which these elections would entail if they were held shorter than five years; and I join issue with my friend, Mr. P. N. Guha. He has now become a resident of his native district since he has retired from his onerous duties, and I would request him to remain in the villages for a little longer time to acquire more experience of the village life under the new system before he comes to criticise the system. I can tell you, Sir,—and I can say so without fear of contradiction—that the non-official chairmen have done yeoman's service to Bengal and we have every reason to be grateful to such people who are discharging the onerous duties. I really deplore the mentality of those members who, instead of admiring the self-sacrifice, the courage and the sense of responsibility, displayed by the chairmen and members of district boards, come here to criticise their conduct without sufficient facts. I would request the hon'ble members to go into the figures. It is no use trotting out arguments without facts and figures. (A VOICE: Why was a district board superseded?) No district board has been superseded and that is a fact, and my friend's information is absolutely incorrect and it stands on very wrong data. I would ask the hon'ble members to look into the figures of expenditure on medical relief, on water-supply and other amenities, and the amounts they are spending on useful improvements——

Mr. NARENDRA KUMAR BASU: Sir, in spite of the eloquence of the Hon'ble Minister after his seven years' regime on the usefulness of district boards, I fail to see whether it has anything to do with the question before the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. P. N. Guha raised this point and I paid a tribute to the non-official chairmen.

So, Sir, the main ground on which this amendment has been suggested is not to give the district boards an additional opportunity to complete their programme, not to give an extra opportunity to the chairmen of the districts to learn their work, but to minimise the cost of elections. I think money will be more well spent on water-supplies, on medical relief, on education and on communications than on elections. We had to reduce the franchise qualifications and the number of voters has automatically increased which has entailed additional expenditure on elections. So I think that is a sufficient justification for increasing the term from four years to five years. We made it four years in 1932 and since then the Village Self-Government Act has been amended, and the additional number of voters is a direct result of that amendment. This House passed that Bill.

Another point, Sir, on which this extension may be justified is that the life of the legislature is going to be five years. The voting qualification is going to be exactly the same, namely, the payment of 6 annas union board rate or 6 annas *chaukidari* tax or 8 annas cess, and one roll may serve the legislature as well as the district boards. That is also an additional reason on financial grounds for which the terms should be extended to five years. On these grounds I oppose the amendment.

Maulvi MAHAMED SADEQUE: Sir, may I ask some questions to the Hon'ble Minister?

Mr. PRESIDENT: Order, order. You cannot do that at this stage. You should have spoken on the motion.

The motion was then put and lost.

The motion that clause 7 stand part of the Bill being put, a division was taken with the following result:—

AYES.

Afzal, Nawabzada Khwaja Muhammad, Khan Bahadur.
Ali, Maulvi Hassan.
Bal, Rai Sahib Lalit Kumar.
Bal, Rai Bahadur Sarat Chandra.
Barma, Babu Promhari.
Basu, Babu Jatindra Nath.
Basu, Mr. S.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chowdhury, Maulvi Yousuf Hossain.
Chowdhury, Khan Bahadur Haji Badi Ahmed.
Cohen, Mr. D. J.
Das, Babu Guruprosad.
Das, Rai Bahadur Kamini Kumar.
Das, Rai Bahadur Satyendra Kumar.
Dutt, Mr. S. S.
Dutt, Rai Bahadur Dr. Haridhan.
Edgley, Mr. R. G. A.
Farequi, the Hon'ble Nawab Sir Mohiuddin, Kt., of Ratanpur.
Ferguson, Mr. D. N.
Ritchrist, Mr. R. N.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Babu Profulla Kumar.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hooper, Mr. S. G.

Hoque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Jenkins, Dr. W. A.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Khan Bahadur Maulvi Hashem Ali.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Kindersley, Mr. J. B.
Lesson, Mr. G. W.
Maguire, Mr. L. T.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brajendra Lal.
Mollah, Maulvi Moslem Ali.
Mukherji, Rai Bahadur Satish Chandra.
Mullick, Mr. Kartick Chern.
Nag, Rai Bahadur Sah Lal.
Nazimuddin, the Hon'ble Khwaja Sir.
Porter, Mr. A. E.
Quasem, Maulvi Abul.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijoy Prasad Singh, Kt.
Roy, Babu Jitendra Nath.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Ray Chaudhuri, Rai Bahadur Hem Chandra.
Sandstullah, Maulvi Muhammad.
Sahana, Rai Bahadur Satya Kishor.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Akshay Kumar.
Sen, Rai Bahadur Brij Chandra.
Singha, Babu Kshetra Nath.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Solaiman, Maulvi Muhammad.
Stevens, Mr. H. S. E.
Studd, Mr. Eric.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

NOES.

Baksh, Maulvi Syed Majid.
Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nural Absar.
Fazlullah, Maulvi Muhammad.
Saha, Mr. P. N.
Hakim, Maulvi Abdul.
Raut, Babu Hemanta.
Singh, Srijut Taj Bahadur.

The Ayes being 67 and the Noes 10, the motion was carried.

Clause 8.

Mr. P. BANERJI: I beg to move that clause 8 be omitted.

Sir, in doing so, I wish to point out that Government want to abolish the local boards and the Hon'ble Minister cited that public opinion as also that of the chairmen of most of the district boards in Bengal barring three or four was in his favour. If the view of Government is that they stand by the majority of opinion in abolishing the local boards I welcome it, but that is not the contention of Government. Members on the other side contend that the local boards should not be abolished, but rather the district boards should be abolished and following the present order of the day they should be decentralised and not centralised. Government must decide between the two, but I fail to understand why in this particular case they are neither doing this nor that wholeheartedly. In this section they tell us that the Local Government, with the consent of the district board, may, by notification, abolish any local board with effect from a date to be specified in the notification. I submit that Government do not hold the same view in regard to other matters. The Hon'ble Minister just now told us that if for the exigencies of the situation it was necessary in some places to maintain the local boards Government would do so; they would accept the opinion of the local people. I submit that in Bengal when union boards were introduced the district of Midnapore and the subdivision of Diamond Harbour in

the 24-Parganas had none as there was a tremendous opposition from the people of those places and for these 15 years Government did function and had not stopped.

Adjournment.

At this stage the Council was adjourned for 15 minutes.

(After Adjournment.)

Mr. P. BANERJI: Sir, I was just submitting to you the anomalous position of Government with regard to the union boards. I was just telling you that in spite of the very severe opposition of the people, in spite of the memorials that were submitted to the Hon'ble Minister by over 60,000 people from different parts of the province, and in spite of the deputations from many organisations that waited upon the Hon'ble Minister, union boards were thrust upon the districts and also some parts of the 24-Parganas. It shows that Government have turned down public opinion. Here, I do not know with what face the Hon'ble Minister has come forward with this proposal and asks us to support him on a different ground altogether. He wants to tell us that Burdwan has special interests. He speaks of special interests in Asansol and also in Jalpaiguri. It may be that his uncle is the chairman of the district board of Burdwan: he might have been acknowledged to be the president of the district also. But I know why he speaks of special interests in these two places. Because the Europeans predominate in these two places, therefore the Hon'ble Minister has come forward with this clause and he wants us to support him in this. I do say that there is no special interest whatsoever. If you abolish union boards, abolish them altogether. If not, they must be maintained everywhere. There cannot be any *via media* between the two. That is the fundamental objection to this Bill. Therefore, these union boards must be abolished everywhere. He has also put forward the argument that if local boards are maintained, although he has admitted that he has crippled the activities of the local boards by passing certain Acts, it will mean additional establishment and more expenditure. I doubt whether Government will shirk its responsibility for fear of additional expenditure. We know how public revenues are spent and how they were spent for more than seven years in this Council. We know that there is no dearth of money in the other departments of Government when Government think that a certain thing must be done on principle, but whenever any particular scheme of public importance is brought forward, Government always advance the argument of paucity of funds and additional expenditure. Some time back in one of my motions I suggested that there should be only one Minister instead of three, and that would save a lot of money. But these gentlemen did not accept my motion. Therefore, I submit that there cannot

be any argument of paucity of funds or additional expenditure. If it is thought necessary in the interest of the public, then Government must do it at any cost. Then about additional expenditure: What would be the additional expenditure? Practically nothing. If Government are earnest in doing a particular thing, they can certainly do it. Therefore, I suggest that either the union boards should be abolished or, as Mr. Narendra Kumar Basu has said, the district boards should be abolished. With these words I commend my motion to the acceptance of the House.

Maulvi RAJIB UDDIN TARAFDER: I beg to move that in clause 8, in Chapter 1A, proposed sections 36A and 36B be omitted.

He spoke in Bengali in support of his motion.

(In the course of his speech in which he advocated the retention of local boards, he remarked that the abolition of district boards might mean some inconvenience to wealthy men when the Hon'ble Minister rose to a point of order.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I rise on a point of order, Sir? The hon'ble member is speaking on the principle of the abolition of local boards—a principle which the House has already accepted. He is speaking against that principle.

Mr. PRESIDENT: I think he may be allowed to do so as Chapter 1A is being included in this Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: But, Sir, the arguments that he is advancing are against the fundamental principle of the Bill which has already been accepted by the House, and that cannot be remedied now.

Mr. PRESIDENT: That is probably his only justification for speaking in this strain. The majority in the House have no doubt accepted the principle, but the minority in opposition may assail it whenever they get an opportunity.

(Maulvi Rajib Uddin Tarafder went on with his speech.)

Mr. PRESIDENT: Order, order. The Hon'ble Minister has just now pointed out, that you cannot now have any remedy against a principle which the House has accepted. So, you need not labour that point. You should now either support Mr. Banerji's amendment or your own and make comments on clause 8 if you choose to do so.

(The Maulvi Sahib continued with his speech, and in one place remarked that there was no reason for the abolition of local boards, but rather for the abolition of district boards.)

Mr. PRESIDENT: Why do you want to leave out sections 36A and B? What are your reasons? If you omit them, even in that case the local boards may be abolished.

Dr. NARESH CHANDRA SEN GUPTA: May I rise on a point of order, Sir. May I submit that amendments Nos. 10G and 10H are really identical, because 10G moves for the omission of clause 8 and 10H of sections 36A and B, which means abolition of local boards: all other sections which follow would be omitted as consequential upon the abolition of local boards. Therefore, the two motions are identical.

Mr. PRESIDENT: But there is a slight difference—10G is more general than 10H. The line of demarcation is no doubt very thin, but I allowed both the motions to be moved to enable the House to choose any one of the two which may appear to them to be better.

(Maulvi Rajib Uddin Tarafder then continued for some time longer.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There are two amendments before the House—one is that of Mr. P. Banerji and the other is that of Maulvi Rajib Uddin Tarafdar. Mr. P. Banerji proposes that clause 8 of the Bill be omitted, whereas the Maulvi Sahib suggests that sections 36A and 36B be omitted. Both of these motions are practically identical. The principle of the abolition of local boards has now been accepted by the House. (MR. NARENDRA KUMAR BASU: When? By referring the Bill to a Select Committee?) These two clauses deal mainly with the optional power. Clause 36 deals with the abolition of local boards only at the option of Government and it is only when the district board concerned and the local Government agree, that a local board might be abolished. This power, therefore, is entirely optional. That is the specific point tried to be made out in this case and clause 36B is practically consequential. It is not proposed to abolish the district boards, but the proposal is to abolish the local boards. So if the local boards are abolished, the members returned by the union boards to the district boards must continue to function, otherwise both the boards will cease to exist. That is the preliminary remark.

I will now try to deal with the arguments advanced by Mr. P. Banerji. His first point was that the abolition of the local boards would lead to centralisation of power instead of decentralisation. I anticipated that argument, and in my opening speech I pointed out that it was not the intention of Government that the power should be centralised. On the other hand, the idea is that as far as possible the function of the local boards should be made over to the union boards but only important powers, which might be beyond the financial

capacity of the union boards to discharge, will have to be retransferred to the district boards. So the argument that this Bill will lead to centralisation of power is not valid. Mr. Banerji said—I quote his words—that Government is doing neither this nor that. I would say that Government always prefer to choose the golden mean. Government never takes extreme views of things. Their arguments are very well balanced; they come to a decision after due consideration, giving full weight to public opinion (hear! hear!), and this Bill is a result of mature deliberation by Government taking fully into account the pros and cons of the questions. So the obvious course was the golden mean and Government has adopted it.

Mr. Banerji said that Government in this case are showing undue deference to public opinion which they do not do in other cases. I repudiate that charge. Government are always anxious to accommodate public opinion, to follow public opinion as much as practicable. (MR. NARENDRA KUMAR BASU: Question.) Sir, this is a crowning instance of that mentality of Government. Mr. Banerji said that there was tremendous opposition to the introduction of the union boards in the district of Midnapore and in certain parts of the 24-Parganas. I admit that there was opposition, and what was the consequence? Union boards were introduced in other parts of the province as early as 1920-21, but they are being introduced in those two parts of the province only in 1936-37; that shows Government's solicitude to follow public opinion.

Mr. P. BANERJI: A largely signed petition was submitted to the Hon'ble Minister against the introduction of union boards.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is not a fact. Mr. Banerji said that there was a largely signed petition submitted to the Minister in charge of Local Self-Government against the introduction of union boards from his constituency. I would ask the House to remember that expression "from his constituency, subdivision of Diamond Harbour in the 24-Parganas." (MR. P. BANERJI: And also from Midnapore.) Sir, I myself had been to Midnapore. I had the honour of addressing a meeting consisting of at least 15,000 people on this particular question, and I can assure my friend that they all welcome the proposal of introducing union boards when their apprehension was dispelled by my fully explaining the benefits which the villagers would derive from the introduction of union boards. I am sure that that is the correct mentality of the people and their opinion is not properly expressed through the so-called largely signed petitions. Government took special care in ascertaining what the public opinion was in these two areas before coming to a decision in favour of the introduction of union boards. So, Sir, the argument of my friend

Mr. Banerji that Government in this case are going against public opinion or showing—to be more correct—rather too much solicitude for public opinion, is wholly incorrect and invalid.

Mr. Banerji's another argument is that optional power has been taken only in the interest of the Europeans in a particular area in subdivisions like Asansol or in some parts of Jalpaiguri, where there are special interests. Sir, I fully repudiate that charge too. Special interests do exist. These interests do contribute very substantially towards the function of the district boards and certainly these interests are not to be ignored. In the interest of Local Government, in the interest of the proper administration of the district boards, I think the opinion of the so-called special interest had to be taken into account—"so-called" according to Mr. Banerji, as he says that they are special interests. I say that they are as much important interests as those of the ordinary rate-payers of the country.

In my opening speech I tried to justify this optional power, and I can only repeat this argument. There may be large areas in large districts, partly developed and partly undeveloped, and the retention of the local boards in some parts of those districts may be necessary in administrative interests. It may not be possible for the district boards to supervise the development work in the outskirts of a district. There may be districts where the communications have not been thoroughly developed, and it may be necessary to pay special attention to the development of that particular area, which can certainly be done much better through the union boards than from the centre. Hon'ble members are aware that the local boards have no separate funds. Their powers are wholly delegated powers; they discharge certain duties only as agents of the district boards and in some cases the funds are hopelessly inadequate; the functions which they discharge also are of a minor character, and on these conisderations Government came to a decision in accordance with public opinion that an opportunity should be taken to abolish local boards wherever possible. But there may be special cases where the retention of the local boards might be justified in special local circumstances. So it is much better to have the power in optional form rather than in obligatory form.

Section 36B, as I have already observed, is purely consequential. If 36B is deleted, there will be no authority to carry on the work either of the district board or of the local board. So that is consequential and essential.

With these few observations I oppose both the amendments.

The motion of Mr. P. Banerji that clause 8 be omitted was put and lost.

Then the motion of Maulvi Rajib Uddin Tarafder that in clause 8, in Chapter 1A, proposed sections 36A and 36B be omitted was put and a division was called.

When the Council assembled and Yes and Noes were called by the Hon'ble President, it was found that the mover was the only member in favour of the motion. The motion was put and lost.

Mr. PRESIDENT: Maulvi Rajib Uddin Tarafder, I must say that you have unnecessarily wasted the time of the Council by calling for a division. You should be more careful in the future.

Mr. P. BANERJI: I beg to move that in clause 8, in proposed section 36A, in lines 2 and 3, the words "with the consent of the District Board" be omitted.

I also move that in clause 8, in proposed section 36A, in line 3, for the word "may," the word "shall" be substituted.

I also beg to move that in clause 8, in proposed section 36A, in lines 3 and 4, for the words "any Local board," the words "all Local boards" be substituted.

My motions are simple. As I pointed out previously, while moving for the deletion of the whole clause, Government must either abolish the local boards or retain the local boards; there is no *via media*. The Hon'ble Minister put forward certain arguments which were not very convincing or tenable. If the Government want to abolish the local boards, the Hon'ble Minister must accept my amendments, otherwise the whole Bill should be dropped. There is no point in saying that there is some special interest somewhere. If Government want to be fair and just, the Hon'ble Minister must either accept my motions or withdraw the whole Bill. The special interest on which the Hon'ble Minister lays so much stress is not at all clear to us. If it could be interpreted by the Hon'ble Minister in such a way that we can understand it, we would welcome this measure.

Another argument put forward was that in some districts there might be lame horses. If the people there are unfit to manage their affairs, why keep them at all? The Hon'ble Minister just now told us to be grateful to the chairmen of district boards for the services rendered by them, but there are some district boards which did not function properly. We know that whoever becomes a chairman only looks after certain things for the improvement of his own house and its surroundings. That is why we are opposed to the permanency of these men. Now the cat is out of the bag and the Hon'ble Minister himself admits that in some places the district boards are not functioning properly. Holding that view, therefore, he must support the proposal for the retention of local boards. We cannot understand the argument of the Hon'ble Minister who is breathing hot and cold in the same breath. That argument was more in favour of the retention of the local boards than the abolition of them; on the other hand, the district boards should

be abolished. There should be no differential treatment; Government ought to be just. I suggest that Government must remove the anomalous position created by this Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Mr. Banerji is one of those persons who though vanquished will argue still, and so it is very difficult to convince a gentleman like Mr. Banerji. In dealing with the previous amendment, I went in detail into the arguments in favour of the provisions of the Bill, and I do not think it is necessary for me to repeat them in detail again.

Mr. Banerji here opposes the proposal of abolishing the local boards with the consent of the district boards. The district boards are responsible for the administration of the local affairs of the district, and they are in the best position to decide whether in a particular area the local board is necessary or not. The local boards, as I have said, function merely as agents of the district boards, so whether the agents are necessary or not, the principal is certainly the best person to decide and not any outsider. On this ground I oppose motion 10-I of Mr. Banerji.

10-J is almost consequential. It wants to make the abolition compulsory. Mr. Banerji at the beginning said that he was against the abolition of the local boards and now he wants to make it compulsory. He was very much in favour of the retention of the local boards, but now he would not brook any delay; he would give no local option, but he must force it on the local people and will not even give the district boards a choice. So this amendment is wholly inconsistent with his previous amendment.

10-K is also consequential. Here "any local board" is necessary because the power that Government proposes to take is optional. Mr. Banerji wants to make it "all local boards" so that all the local boards must be abolished without any rhyme or reason and without any reference to the district boards.—That is also very inconsistent. On this ground I oppose this.

The motions were then put and lost.

Adjournment.

At this stage the Council was adjourned for 15 minutes.

(After Adjournment.)

Dr. NARESH CHANDRA SEN GUPTA: Sir, may I have your permission to make a verbal alteration in the amendment that stands in my name?

Mr. PRESIDENT: I shall not stop you unless I consider the change to be objectionable.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 8, after the proposed section 36A in Chapter 1A, the following be added, namely:—

"36AA. When a Local Board is proposed to be abolished under section 36A, notwithstanding anything contained elsewhere in this Act, the Local Government may, after consulting the District Board and the relevant Local Boards by notification constitute a District Board for any area in the district comprising the area under one or more abolished local boards, and in such a case the Local Government may declare that the area for which a District Board is so constituted, shall be deemed to be a district for the purposes of this Act."

Sir, my amendment is a very modest one——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to a point of order. I beg to submit that this amendment is really outside the scope of this Bill. The Bill seeks to abolish local boards, but here the amendment seeks to constitute a district board in a subdivision which is entirely a new thing.

Dr. NARESH CHANDRA SEN GUPTA: I submit, Sir, that my amendment is perfectly in order. In the preamble we find that it is proposed to abolish the local boards, but it does not say what would follow after that. Consequential proposals are consequential and this is one of the consequential proposals, that is to say, when the local boards are abolished, instead of keeping the area under the same district board, my amendment proposes to make it a separate district board. I submit it is in order.

Mr. PRESIDENT: You are taking your stand upon the preamble of the Bill, and your point is that the Act, as the preamble indicates, provides for substitutes for local boards when they are abolished.

Dr. NARESH CHANDRA SEN GUPTA: The Act provides for substitutes in section 36B and subsequent sections and mine is only adding another substitute.

Mr. PRESIDENT: So far as the preamble is concerned, it is no doubt elastic, but various other things shall have to be taken into consideration before it can be said that the present Bill, when it is passed into law, will enable Government to provide substitutes for local boards which may be abolished. I am, however, bound to say that the present preamble is not so rigid as the Hon'ble Minister would have us believe.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If that is your ruling, Sir, I bow down to your decision, but I venture to think that it is altogether outside the scope of the Bill, because the Bill seeks to abolish the local boards, and that is all we propose to do. The Bill does not go beyond that. It does not say what would substitute a local board. The question of substitution does not arise at all. It is altogether a new thing that Dr. Sen Gupta wants to introduce. Nowhere in the Bill it has been suggested that someother body should substitute the local boards.

Mr. PRESIDENT: It is immaterial as to what was or was not your intention. What I am to see is whether the Bill as it stands is broad enough to take in the recommendation embodied in the amendment.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the question of substitution does not arise at all. We simply want to abolish the local boards and where they are abolished, the district boards will take up their function. The question of substitution does not arise at all. Local boards are merely agents of the district boards. If the agents are abolished, the powers are retransferred or automatically vested in the principal.

Dr. NARESH CHANDRA SEN GUPTA: I would refer to certain consequential amendments. Section 36B provides that members of district boards elected by a local board shall after its abolition continue in office. Then 36C provides for certain consequences of abolition, viz., all powers and duties, funds, rights and liabilities of the local board shall be transferred to the district board. I put it simply as a substitute that the Local Government may have the power to constitute a district board for the area in which the local boards have been abolished. All these are consequential amendments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir. It is not so, because that would be going altogether beyond the scope of the Local Self-Government Act. The clause which provides that the members returned by the local boards to the district board would continue to function is purely consequential. That follows the abolition of the local boards and there is no question of substitution.

Mr. PRESIDENT: What do you actually propose to do when the local boards are abolished?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Nothing, because the local boards function as the agents of the district board. Suppose an agent dies, the principal carries on the work: the powers revest in the parent body, that is the district board. It is automatic and does not require any legislation.

Dr. NARESH CHANDRA SEN GUPTA: I submit, Sir, that the Hon'ble Minister is wrong. The Government has the power to split up a district into two and immediately the Local Self-Government Act will give Government the power to create two district boards.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is beyond the scope of the Local Self-Government Act. That Act has to be amended then. That will require a new Bill and will require sanction.

Mr. PRESIDENT: By whom?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Probably by the Government of India or the Governor General in Council.

Dr. NARESH CHANDRA SEN GUPTA: I may point out, Sir, that this amendment, even if carried, will involve no further amendment of the Local Self-Government Act. If my hon'ble friend could point out a single provision in the Local Self-Government Act which would have to be changed on this account, I would bow to him. There is no provision of the Local Self-Government Act which would have to be amended, and I submit that the Local Government have the power even now to create district boards simply by the splitting up of a district. I give them that power——

Mr. PRESIDENT: How, under what section of the existing Act?

Dr. NARESH CHANDRA SEN GUPTA: Not under any provision of the existing Act, but by reason of their administrative power they can do so, and, immediately under the Local Self-Government Act, each of these districts would have a district board. I would like the Hon'ble Minister to cite a single provision in the Local Self-Government Act which may be affected by my amendment in any way.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: May I read, Sir, the relevant section of the Local Self-Government Act? It runs as follows:—

"The Local Government shall by notification establish a district board for every district."

Government, Sir, could not do more than that. Here, of course, a district means an administrative unit, an administrative district. But Dr. Sen Gupta says that Government would be competent to establish more than one district board in one district, which is absolutely against the section I have quoted.

Mr. PRESIDENT: I quite see; yes, that does not seem to be possible.

Dr. NARESH CHANDRA SEN GUPTA: I submit that the provision in the Act which the Hon'ble Minister has just read out simply authorises Government to establish a district board——

Mr. PRESIDENT: Dr. Sen Gupta, you have raised a very doubtful point. I think that we can leave out this amendment for the present; I would give my ruling later on, because I would like to look up the point very carefully.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I think, Sir, I can give a convincing reply to Dr. Naresh Chandra Sen Gupta. Here I would refer to section 6 of the Local Self-Government Act, viz.—

"A district board shall have authority for the purposes of this Act over the district for which it is established and a local board shall have authority over such subdivision or subdivisions as the Local Government may by notification direct."

So that a district board will have authority over the whole of a district. That, Sir, is the provision of the present Act.

Mr. PRESIDENT: You think that if there be two district boards instead of one the power which legitimately belonged to the district board proper would be taken away from that body and given to a body which has no authority behind it. Nevertheless, I shall look into this matter more carefully. No further argument need be advanced at this stage.

Dr. NARESH CHANDRA SEN GUPTA: The Hon'ble Minister has read out a section of the Act which simply says that a district board shall have authority over the district, and my amendment—if the Hon'ble Minister will be pleased to read it—says that ".....notwithstanding anything contained elsewhere in this Act, the Local Government may, after consulting the district board, and the relevant local boards, by notification constitute a district board for any area in the district comprising the area of one or more subdivisions of the existing districts and in such a case the Local Government may declare that the area for which a district board is so constituted, shall be deemed to be a district for the purposes of this Act."

If this amendment is carried, it at once follows that "district" in this section means a district which is so constituted. That being so, it would require no amendment of any section of the Local Self-Government Act. This section will be self-contained, and there would be no section in the Bengal Local Self-Government Act which would have to be altered on account of this.

Mr. PRESIDENT: All right, I shall remember what you have said.

Maulvi RAJIB UDDIN TARAFDER: I beg to move that in clause 8, in proposed clause (*i*) of sub-section (*1*) of section 36E, in line 4, for the words "eight annas," the words "three annas" be substituted.

(He spoke in Bengali in support of the amendment.)

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose this amendment. Section 36E (*1*) has been purposely based on section 7 (*1*) (*i*) of the Village Self-Government Act to make the qualifications of voters of district boards identical with those of the voters of union boards. I may point out that the qualification of voters for the Legislative Assembly based on the payment of union rate is exactly the same, namely, six annas union board rate or chaukidari tax, and eight annas cess. So it does not seem justifiable to make a distinction in the case of qualification for district board elections. The uniformity of qualification is expected to minimise the cost of preparation of electoral rolls for the different bodies and this is one of the main reasons why the same amount has been taken as a qualification for district boards as in the case of union boards as well as of the future Legislative Assembly. On these grounds I oppose the amendment.

The motion was put and lost.

Mr. PRESIDENT: We have now disposed of all amendments relating to clause 8 except one, I mean the amendment of Dr. Naresh Chandra Sen Gupta, with regard to which I have not yet given my decision as to its admissibility. So, I propose to pass over that clause for the present, and take up the next clause. Would there be any difficulty, Sir Bijoy, if I keep the final consideration of that clause in abeyance?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Mr. PRESIDENT: Very well.

The motion that clauses 9 to 15 stand part of the Bill was put and agreed to.

Mr. PRESIDENT: Section 14 of the Local Self-Government Act lays down that it shall be lawful for the Local Government, by notification, from time to time, to add the name of any district to the list included in the Third Schedule of this Act. From and after that date, such district shall, *for the purposes of this Act*, be deemed to be a district mentioned in such Schedule.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, it means a district created as an administrative unit.

Mr. PRESIDENT: What is your interpretation of section 14?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the reply to your question is that if a new district is created, the name of that new district is added to the Third Schedule and then Government can establish a district board in that new district. That is the power contemplated in this clause. It means an administrative district; there cannot be a district created only for the purpose of constituting a district board. There must be a District Magistrate and all the paraphernalia for the administration of the district.

Dr. NARESH CHANDRA SEN GUPTA: Sir, this Act gives power to the Local Government to form district boards.

Mr. PRESIDENT: I better give my promised ruling at this stage. On referring to section 6, I find it is stated that the Local Government shall, by notification, establish a district board for each district. It is clear from this that there must be *one* district board in a particular district. "Two" is incompatible—it must be "one". Then, a district board shall have authority for the purposes of this Act over the district for which it is established. And if there be a second district board, then it would mean a curtailment of the powers of the district board which had been rightly constituted. It is impossible for the Local Government to create under the present Act, a second district board within the territorial limits of a district as an administrative unit, created by a notification of the Local Government.

Then, with regard to section 14, which at first cast a doubt in my mind, I am now convinced that the name of a new district may be added to the Third Schedule of the Act only, when it is in reality an administrative unit and *not* otherwise. Only for the creation of a district board a particular area cannot be declared as a district or cannot be taken as an administrative unit within the meaning of the Act. Under these circumstances, I rule that Dr. Sen Gupta's motion is beyond the scope of the Bill and cannot, therefore, be admitted.

Then, the motion that clause 8 stand part of the Bill was put and agreed to.

Clause 16.

Dr. NARESH CHANDRA SEN GUPTA: Sir, by this clause the old section 50 of the Bengal Local Self-Government Act is substituted.

That section says that a district board shall superintend the administration of the union boards within the area under the authority of the district boards except in matters relating to *dafadars* and *chaukidars*. Where there is a local board the local board shall, subject to the control of the district board, exercise such superintendence over the administration within the area under the authority of the local board. This is done in order to bring the matter in conformity with the new order of things. But what will happen where there is no local board? Does the Hon'ble Minister visualise what the provision, which he is proposing, means? Sir, we have heard a great deal about the devolution of powers to union boards. But everyone of us knows that village self-governing units, that is the union boards, require supervision and that supervision is to be exercised by district boards. Sir, how many districts are there in which the district boards have got the ability and the resources to control the numerous union boards within their jurisdiction? Sir, it may be possible for the district board of Bogra to supervise efficiently all the union boards of that area, but it is not possible for the district board of Mymensingh to supervise even half the union boards within that area. It is, for that reason, Sir, that I was trying to suggest to the Hon'ble Minister a remedy which he has strenuously contended I cannot propose. The remedy is to split up large districts into smaller districts; but then if you keep this clause, you must have some consequential provisions by which you can create a machinery for the actual supervision of union boards by district boards. At the present moment the union boards are very efficiently supervised by Circle Officers and partly by District Magistrates. But it is a fact that the district boards have seldom the power to supervise the work of the union boards; they cannot possibly do it. By this Bill you are creating wide areas for district boards and in such areas between the district boards and the union boards, you are keeping in some cases no other agency, and still you are providing by this clause that the district boards shall supervise the work of the union boards. Can they possibly do so? What is the use of making a provision which is absolutely certain to be disregarded in spirit, if not in letter? As a matter of fact, every chairman of a district board does a certain amount of touring and inspects union boards, but that is a mere eye-wash. There is no supervision exercised over the work of the union boards and no supervision can be exercised. This clause would, therefore, be absolutely meaningless. You are not putting in any substitute of a similar character. This is merely playing a joke with a piece of legislation.

Mr. P. N. GUHA: May I put a question to the Hon'ble Minister on a point in connection with this clause? I find it is stated that a district board shall superintend the administration of the union boards within the area of the district except in matters relating to the *dafadars*

and *chaukidars*. I want to know, Sir, all about the taxation. At the present moment taxation is supervised by a Government agency—first by a Circle Officer, then by the Subdivisional Officer and finally by the District Magistrate. Will this clause give powers of supervision to the district board and take the power of the Government away?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I would just refer to section 59 of the Bengal Village Self-Government Act which runs thus:—

"Subject to the control of the district board a local board shall superintend the administration of union boards within the area under the authority of the local boards except in matters relating to *dafadars* and *chaukidars*." Where the local board is abolished, instead of the local board the district board will discharge this function. As a matter of fact, the district boards now control the budgets of the union boards. The district boards make grants regarding education, sanitation and water-supply to the union boards and they directly control the works of the union boards from the centre and not through the agency of the local boards. So it will not make any difference. In reply to the point raised by Mr. Guha, I may state that the position remains as at present. It makes no alteration in the existing provision.

The motion that clause 16 and new clause 16A stand part of the Bill was put and agreed to.

The motion that the preamble stand part of the Bill was put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to move that the said Bill as settled in Council, be passed.

Dr. NARESH CHANDRA SEN GUPTA: Sir, although it was not my intention to oppose this motion, it is with great regret that I feel that I have to do so. After more than half a century of hard riding over rough roads with a considerable amount of rattling in the Self-Government coach, the Local Government have suddenly awakened to the fact that they are riding a coach with five wheels and they have decided to take off the fifth wheel, but they have fixed on the wrong wheel. The controversies relating to this matter that have been raised go back to the days of Lord Ripon. As a matter of fact, there was a great deal of controversy at that time as to what should be the unit of Local Self-Government. What was contemplated originally was that the local board should be the unit of Self-Government and no district

board was thought of at that time. But the Government of 1885 thought that the subdivisions where the local boards would be constituted would not have men sufficiently enlightened and educated who would be able to run the administration and that they would have to go to the district towns where there would be a certain number of people who could be relied upon to run the administration. For this reason it was decided that in Bengal—and not in all the other provinces of India—that the units of Self-Government should be the district boards and the district boards might delegate some of these functions to local boards. The result has been that the district boards have grown up and the work of their boards has nevertheless grown out of all proportion to what it was in the past. The district boards like those of Mymensingh, Midnapore and Dacca have become impossible charges. It is not possible for these boards to do efficiently the work of Local Self-Government in their areas; and as regards the local boards, their powers have not been increased. The Hon'ble Minister has said that the local boards are inefficient and that therefore they should be controlled. I perfectly agree with him. The local boards have no funds of their own, no resources of their own, no powers of their own and no soul to speak of their own. They are only mandatories of the district boards. They can only carry on the work which the district boards ask them to do and the district boards have not been very generous in the delegation of powers. The result is that the local boards remain now what they were in the beginning—lame horses. Government think that they should get rid of the lame horse. I think it is an impossible idea, and my friend Mr. Banerji suggested that all local boards should be forthwith abolished. Government think of a half-way house. They think they will take power to abolish local boards when district boards desire the abolition of local boards. But in either case where the district boards do not desire it or the administration of any particular area would not be possible, they would do what? Not start a local board for that area with fuller powers, but keep on that same old lame horse to run its race. In other words, Bogra will have one district board and Hooghly will have one district board to look after the entire area—the district board which has got all the powers under the Local Self-Government Act—but poor Mymensingh must still do with the lame horse. There the district boards will delegate certain functions to the local boards and the local boards will go on limping in the same old way. The obvious course was to split up the Self-Government units into manageable proportions and to have full-fledged units. You ought to have treated the whole province in the same way; instead you are treating the small districts well and leaving the large districts as they are. It has been said that the Hon'ble Minister thinks that the justification for the abolition of the local boards is the growth of union boards. There never was a justification for the institution of local boards, but the bringing in of the union boards has abolished all

the necessity that was for the local boards in the past. The union boards may be very efficient bodies, but as I have said they require looking after. The Village Self-Government Act is full of safeguards for the purpose of looking after the union boards. The Village Self-Government Act and this Act give the district boards the power to supervise the union boards. The Hon'ble Minister has said that the district boards still have got the power to supervise, but he certainly knows what that supervision of the union boards by district boards mean. How many budgets can be scrutinised by the district boards?

The Hon'ble Khan Bahadur AZIZUL HAQUE: The district boards scrutinise the union board budgets.

Dr. NARESH CHANDRA SEN GUPTA: The Hon'ble Minister for Education who has been for long a member of a district board would ask me to give a meaning of the word "scrutinise" which is not to be found in the English dictionary. No district board can scrutinise the budget in the way in which it ought to be done. That may not be the experience of the Khan Bahadur who has experience of a small district like Nadia, but if you ask the Chairman of the district board of Mymensingh he would give you a different story. I come from Mymensingh, and I know what it means there. Mr. G. S. Dutt has been the District Magistrate of Mymensingh; he knows in his heart of hearts that the district board does nothing of the kind in respect of union boards, and it cannot exercise any supervision. Still Government sets its face against my very reasonable suggestion, and would not even consider it although the Hon'ble Minister, when the Bill was first introduced, frankly confessed that this suggestion had never been made to him. This suggestion was never broached in the conference of chairmen which was held for the purpose of discussing this Bill. This proposal has the support of at least the resolution of Lord Ripon on Local Self-Government. Why could he not consider it? Why Government should come forward to oppose its discussion. The reason is that the Government is simply not anxious to do serious work; it is anxious to make a show; it is anxious only to make people believe that they are working. If they wanted to work, if they wanted to work out the problem, there is a radical cure for it—it is ready-made. Everybody who has any knowledge of the district boards must admit that the district boards must be split up into small units of Local Self-Government, into workable local administrative units. If you really want to constitute a body for the purpose of conducting Local Self-Government work within an area which is manageable and which has resources adequate for this purpose, you must split up the district boards. I submit once again that they are still playing with the problem.

Maulvi ABDUL HAMID SHAH: (He spoke in Bengali in support of Dr Naresh Chandra Sen Gupta's motion, the following being an English translation of his speech):—

Mr. President: As one of the representatives of the Mymensingh district I also endorse the view of my friend Dr. Naresh Chandra Sen Gupta that, in big districts such as Mymensingh, it is extremely hard—nay impossible—for the district board to manage to supervise the union boards under it. There are five local boards in the five subdivisions of the Mymensingh district and in spite of the fact that the chairmen of these boards supervise the union boards in their respective jurisdiction, it cannot be said that the union boards under them are supervised more than once a year. In these circumstances, to abolish the local boards and to place the charge of supervising these numerous union boards upon the district board—an arrangement like this—will not be effective, rather it will wholly frustrate the noble object with which that noble-souled Viceroy Lord Ripon introduced the system of Local Self-Government.

It is now generally seen that, although the local boards are entrusted with the charge of supervising the union boards under their respective jurisdictions, it is the Circle Officers who supervise the unions. It may, therefore, be said without hesitation that, as a result of the abolition of local boards, the charge of supervising the union boards will devolve entirely upon Government servants, namely, the Circle Officers. So, as a result of this law the little privilege which the people of the country obtained through Local Self-Government in the matter of making arrangements for education, sanitation and traffic facilities in the mufassal will pass into the hands of Government through these Circle Officers, and the result will be that Local Self-Government will turn into a Circle Officers' Government. In plain words, the object of this Bill is to snatch away from the people even those small privileges of Self-Government. Government will, no doubt, be able easily to get their object fulfilled with the help of the present Council. But I give Government this assurance that, not at a distant date but within a year or so, *i.e.*, in 1936, when, on the basis of the new Reforms, the administration of the country will pass into the hands of the representatives of the people of the country, a new Bill cancelling these unjust provisions will be introduced for discussion on the floor of this very Council House and as a result of that district boards will be abolished and far more powerful local boards will be set up in all subdivisions. It is needless to add that that is the best way to serve the ends of Local Self-Government. With these words I oppose the Hon'ble Ministers' motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I have listened with attention to the forceful speech of my friend Dr. Sen Gupta and

the vigorous speech of my friend Maulvi Abdul Hakim in support of Dr. Sen Gupta and against Government. As I repeated more than once this afternoon it is not the intention of Government to force the abolition of local boards everywhere, and nobody realises the necessity of making the power optional more than Government, and that is why they introduced the provision in an optional form and do not make the abolition of local boards obligatory.

Regarding the difficulties of supervising the work in certain districts Government are fully conscious of them and that is why in my opening speech I did mention that there might be districts like Mymensingh, Midnapore, Khulna and the 24-Parganas with their big areas where the retention of the local boards might be necessary on administrative grounds. The district boards will have full option to retain or to abolish local boards. They will make a recommendation and Government will have to agree with district boards before a local board is abolished. So there is sufficient safeguard and considerable local option. It has been nowhere suggested that the local boards must be abolished if the local people who are interested are against abolition; if local opinion is against abolition, I am sure it will not be done in that particular district. So where is the ground for apprehension of my friend Dr. Sen Gupta and Maulvi Abdul Hakim that the interests of Local Self-Government will suffer if the local boards are compulsorily abolished?

Dr. NARESH CHANDRA SEN GUPTA: When did I say that the local boards will be compulsorily abolished?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope Dr. Sen Gupta understands Mymensingh Bengalee.

Dr. NARESH CHANDRA SEN GUPTA: On a point of order, Sir. Is the Hon'ble Minister in order in using the words "Mymensingh Bengalee"?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I hope Dr. Sen Gupta could follow Maulvi Abdul Hakim when he spoke in Mymensingh dialect.

Dr. NARESH CHANDRA SEN GUPTA: Sir, that is not what he said. He said, "I think, Dr. Sen Gupta understands Mymensingh Bengalee." He distinctly used those words.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If that has offended my friend, I apologise to him. If I came from Mymensingh, I would have taken that as a compliment.

Mr. PRESIDENT: There is no such thing as Mymensingh Bengalee.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The dialect differs in different districts.

To come to my point. Dr. Sen Gupta tried to make out that the district of Mymensingh was too large and the local affairs of that district could not be administered from the centre; possibly so. The remedy is not the retention of the district boards or the introduction of district boards in different subdivisions as my friend would like to do, but to move for the partition of the district or the splitting up of the district and for creation of different administrative units. If the district is too big that is the remedy. The work of the union boards are now supervised by the district boards and not by the local boards. In matters of water-supply grant, in matters of sanitation, in matters of education, in matters of communication, it is the district board which has the final say and it really supervises the affairs within the jurisdiction of each local board. The local boards in some areas, of course, discharge some of the functions of the district board, merely, as their agents, but their funds are limited, their staff is also limited and naturally they find it difficult to discharge their functions satisfactorily. They have been found by a trial extending over 50 years as more than useless. So, Government have decided that where the local people would find it possible to abolish the local boards they should be given a chance. That is all I need say, and I hope the House will accept the Bill and will realise that the cardinal principle underlying it is not obligatory abolition of local boards but optional abolition of local boards.

The motion that the Bengal Local Self-Government (Amendment) Bill, 1936, as settled in Council, be passed was then put and agreed to.

Mr. PRESIDENT: I do not think we meet again till the 25th instant. In that case I think it would be better if we finish the remaining two Bills to-night by sitting for some time after 7 p.m.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no objection to sitting for half an hour more to finish the whole thing.

Mr. PRESIDENT: We cannot sit for more than 15 minutes after 7 p.m.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I gather that the hon'ble members would prefer beginning to-morrow with a fresh mind. So, I would fall in with their wishes and suggest that the House be adjourned now.

Adjournment.

The Council was then adjourned till 3 p.m. on Wednesday, the 11th November, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber, Council House, Calcutta, on Wednesday, the 11th November, 1936, at 3 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 93 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Marine Club of Calcutta.

*11. **Rai Bahadur RAM DEV CHOKHANY:** Will the Hon'ble Member in charge of the Marine Department be pleased to state—

(*i*) whether the Marine Club of Calcutta is receiving any grant directly or indirectly through the Seamen's Welfare Association from the Government; and

(*ii*) whether Indian officers are allowed admission into the said club?

MEMBER in charge of MARINE DEPARTMENT (the Hon'ble Sir John Woodhead): (*i*) The Marine Club receives a grant of Rs. 80 per mensem from the Government of Bengal. For several years past the club has also received an annual grant from the Seamen's Welfare Association.

(*ii*) Yes.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state what public service is rendered by the Marine Club which deserves a grant from Government?

The Hon'ble Sir JOHN WOODHEAD: Social service. Sir, on behalf of seamen.

Industrial training to detenus.

*12. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that a scheme is being prepared for giving industrial training to detenus?

(*b*) If the answer to (*a*) be in the affirmative, will the Hon'ble Member please inform the Council what arrangement has been made for the appointment of trainers?

(*c*) Is it a fact that selection of some candidates for appointments have been made long before and sent for training afterwards?

(*d*) If the answer to (*c*) be in the affirmative, will the Hon'ble Member be pleased to state the date of appointment and the period of training?

(*e*) Is the Hon'ble Member aware that the amount spent is not worth the benefit derived?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) A scheme has been in operation for nearly a year.

(*b*), (*c*) and (*d*) There are at present 3 industrial centres where 4 different industries are taught A statement showing the staff appointed for training detenus at the 3 centres and their dates of appointment is laid on the table.

(*e*) No.

Statement showing the staff appointed for training detenus referred to in starred question No. 12 (b), (c) and (d).

A. SUPERVISING STAFF APPOINTED IN CONNECTION WITH THE SETTING UP OF TRAINED DETENUS.

(1) One Inspector for Brass and Bell-metal Section appointed on the 1st October, 1936.

(2) One Inspector for Cutlery Section appointed on the 1st October, 1936.

(3) One Inspector for Pottery Section appointed on the 1st October, 1936.

(4) One Inspector for Umbrella Section appointed on the 19th September, 1936.

B. STAFF APPOINTED IN THE INDUSTRIAL TRAINING CENTRES.

Designation.	Date of appointment.
I. Brass and Bell-metal Section.	
(1) One Supervisor	9th October, 1936.
(2) One Moulder	18th December, 1935.
(3) One Polisher	18th December, 1935.
(4) One Workman Labourer	18th December, 1935
(5) One Cooly	20th December, 1935.
(6) One Durwan	18th December, 1935.

Designation.	Date of appointment.
II. Cutlery Section.	
(1) One Supervisor	1st October, 1936.
(2) One Cutler	18th December, 1935.
(3) One Electroplating Expert	18th December, 1935.
(4) One Forgeman	2nd January, 1936.
(5) One Workman Labourer	22nd January, 1936.
(6) One Cooly	22nd January, 1936.
III. Pottery Section.	
(1) One Supervisor	1st October, 1936.
(2) One Potter	23rd December, 1935.
(3) One Skilled Operative	23rd December, 1935.
(4) One Moulder	2nd January, 1936.
(5) One Workman Labourer	2nd January, 1936.
(6) One Cooly	18th December, 1935.
IV. Umbrella Section (Gouripore).	
(1) One Supervisor	1st October, 1936.
(2) One Skilled Operative	18th December, 1935.
(3) One Skilled Operative	18th December, 1935.
(4) One Workman Labourer	18th December, 1935.
(5) One Cooly	4th December, 1935.
(6) One Durwan	4th December, 1935.
V. Umbrella Section (Clive House).	
(1) One Supervisor	1st October, 1936.
(2) One Skilled Operative	1st October, 1936.
(3) One Skilled Operative	22nd April, 1936.
(4) One Workman Labourer	21st April, 1936.
(5) One Cooly	21st April, 1936.
(6) One Durwan	8th April, 1936.
VI. Umbrella Section (Clive House).	
(1) One Supervisor	8th June, 1936.
(2) One Skilled Operative	12th May, 1936.
(3) One Skilled Operative	12th May, 1936.
(4) One Workman Labourer	7th May, 1936.
(5) One Workman Labourer	29th July, 1936.
(6) One Cooly	7th May, 1936.
(7) One Durwan	18th April, 1936.
(8) One Skilled Operative	12th May, 1936.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state whether the appointments were made on the basis of merit?

The Hon'ble Sir ROBERT REID: Decidedly, Sir.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether selections are made from amongst the candidates who apply or otherwise?

The Hon'ble Sir ROBERT REID: Selection is made from the candidates who apply.

Babu SATISH CHANDRA RAY CHOWDHURY: Do Government contemplate extending the facilities for training to all the detenus?

The Hon'ble Sir ROBERT REID: Probably not, Sir.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Member be pleased to state whether the candidates who were selected belonged to the staff already trained?

The Hon'ble Sir ROBERT REID: I do not understand the question, Sir.

Bankura Observatory.

*13. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state why in the weather report published in the daily newspapers, temperature and humidity readings of Bankura are omitted?

(*b*) Is there a barometer in the Bankura hospital or dispensary or in any other place?

(*c*) If the answer to (*b*) is in the affirmative, who is in charge of taking the readings?

(*d*) If there is no barometer, are the Government considering the desirability of furnishing the Bankura and Vishnupur dispensaries with two correct barometers?

(*e*) Is the Hon'ble Member aware that temperatures, humidity and other conditions are different in Vishnupur and Bankura?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Bankura Observatory is a 5th class one with equipment only for measuring rainfall. A 5th class observatory of the India Meteorological Department is not provided with instruments for recording temperature and humidity.

(*b*) The Observatory at Bankura has no barometer.

(*c*) The question does not arise.

(*d*) The India Meteorological Department has at present no such scheme in view.

(*e*) No.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Member be pleased to state what steps will the people of Bankura take to raise the class of the Bankura observatory to a higher class?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not aware of any steps, Sir.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Disposal of unclaimed dead bodies of Hindus.

7. Rai Bahadur JOGESH CHANDRA SEN: (*a*) With reference to the reply given on the 17th March, 1936, to clauses (*d*), (*e*) and (*g*) of Unstarred question No. 21, will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether such a conference has been convened?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Minister be pleased to state when it is proposed to convene this conference?

(*c*) Will the Hon'ble Minister be pleased to state whether he proposes to invite Hindu representatives through the Hindu Satkar Samity?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) and (*b*) The conference was fixed to be held on the 7th November, but as the date did not suit the representatives of the Hindu Satkar Samity, it is proposed to hold it on a suitable date towards the end of November.

(*c*) Yes.

Passengers at the Calcutta Port.

8. Rai Bahadur RAM DEV CHOKHANY: Will the Hon'ble Member in charge of the Marine Department be pleased to lay on the table particulars showing the number of passengers embarking and disembarking at the Port of Calcutta for or from Rangoon, Madras, Colombo, Singapore, Penang and the Far East, year by year, for the last ten years?

The Hon'ble Sir JOHN WOODHEAD: The information is not available.

Zamindari Chakla Rousnabad.

9. Maulvi MAHAMED SADEQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) whether it is a fact that the Zamindar of Chakla Rousnabad situated in the districts of Noakhali and Tippera, has applied under section 158A of the Bengal Tenancy Act for power of Certification;

(*ii*) when the final records-of-rights were published in respect of the above zamindary?

(*b*) Is the Hon'ble Member aware of the condition of the agriculturists of that Estate in the present general economic crisis and after the latest inundation and flood of the Mohir and the Gumti?

(*c*) Has the Hon'ble Member received any representation from the public?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table the copies of such representations?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) No application for powers under section 158A has been received.

(*ii*) In 1898-99.

(*b*) Yes.

(*c*) Yes, from the hon'ble member asking the question.

(*d*) It is laid on the Library table.

Process-servers.

16. Mr. P. N. CUHA: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) what were the recommendations of the Civil Justice Committee (presided over by the Hon'ble Sir George Rankin) regarding the pay of the process-servers of Bengal; and

(*ii*) what actions, if any, have been taken on them up till now?

(*b*) If no action has been taken on the recommendation as yet, is the Hon'ble Member considering the desirability of taking up the matter at an early date?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) The member is referred to paragraph 18 of Chapter X of the Report of the Civil Justice Committee.

(*ii*) It has not been found possible to take any action on account of financial stringency.

(*b*) No.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILLS.

The Bengal Local Self-Government Associations (Recognition) Bill, 1936.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to introduce a Bill to provide for the recognition by the Local Government of certain associations interested in the administration of local self-government in Bengal and to enable contributions to be paid by local authorities to associations so recognised.

The Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg also to move that the said Bill be taken into consideration.

In commending this motion to the acceptance of the House, I should just like to make a few observations explaining the genesis and object of this Bill. In March last, the general secretary of the newly-formed all-Bengal municipal association approached Government with a request that Government might recognise the association and might issue a general circular authorising all municipalities in Bengal to make a contribution towards the fund of this association by way of payment of

subscriptions for their membership. Government then consulted legal opinion as to the competency of the municipalities to contribute towards the fund of the association, and were advised that the Bengal Municipal Act or the Calcutta Municipal Act did not contemplate any such power, and that there was no provision under which the municipalities or the Corporation of Calcutta could make any contribution for the membership of an association like that.

In Great Britain, there are associations of local bodies that have been discharging very useful functions, and Government accordingly thought it their duty to encourage the formation of such associations in this country. But the recognition of a municipal association or a local bodies' association would be futile unless the local bodies were enabled to join such associations and to make a contribution towards their funds as members. With that object in view, this Bill has been introduced.

Sir, it was quite possible that the district boards, the union boards and other local bodies might come forward with similar requests like the municipalities of Bengal. Government, therefore, thought that it was much better to introduce a comprehensive Bill enabling all the local bodies in the province to join such associations and to make contributions as members. With certain safeguards, Government propose to provide for the payment of travelling allowance of members of local bodies attending a general meeting of a recognised association held within the province. If there are committee meetings, the idea is that travelling allowance of members attending the committee meetings should be met out of the funds of the associations. We do not propose to encourage the formation of all-India associations at present, but this Bill only encourages the formation of an all-Bengal association. But if the all-Bengal association wants to get itself affiliated to a central organisation, it may do so later on, but this Bill has got nothing to do with that, and it is not permissible under this Bill to make any contribution to a central organisation. There are besides sufficient safeguards against any abuse of powers and of contributions towards the payment of travelling allowance to members. I may repeat that the idea is that the travelling allowance only for attending a general meeting of the association should be met by the local bodies with certain restrictions under the rules to be framed by Government under the provisions of this Bill.

With these few words, I commend this motion to the acceptance of the House.

Mr. P. BANERJI: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st April, 1937.

Sir, the Hon'ble Minister has just said that on the analogy of similar associations which exist in Great Britain, Government propose to recognise certain associations in this province. I wonder how it struck the mind of Government that the example of Great Britain should be followed in this country. Indeed, it was we the non-officials who had always urged upon Government, whenever we brought forward measures of reform, that Government should accept them on the analogy of similar measures which exist in Great Britain, but Government have in not a single instance accepted them, their line of argument being that India is different from Britain, and what is suitable for Britain is not suitable for India, and that things in India are quite different from those in Britain. Then again, whenever we wanted to oppose any Government measure on the ground that they were quite the reverse of what were in vogue in Great Britain, Government never failed to come forward with the plea that the conditions here would not warrant the introduction of similar measures.

Leaving aside the question of analogy with Britain, we must also see whether public opinion is in favour of this measure. Had the Hon'ble Minister cared to ascertain public opinion, he would no doubt not have brought forward this motion for consideration, but would have himself tabled one for circulation for eliciting public opinion. Has the Hon'ble Minister said a single word in support of his motion about the utility of the associations that he is going to recognise? I say, this association will be a futile one altogether, and if it is recognised, it will mean mere waste of public money and energy. Then, as the Hon'ble Minister calls it, there are safeguards which Government want to keep in tact by their rule-making power under clause 5 regarding the levy of contributions from local bodies. I consider that there should not be any such safeguards, that every option should be given to local bodies to pay contributions, and that there must not be any compulsion from Government to do so.

It has been said that there is only one association that has come forward with an application for its recognition, but on the mere anticipation that similar other associations will spring up, Government have come forward with a comprehensive measure for their recognition. Sir, there are a thousand and one organisations in this country. There is the biggest organisation, the Congress; then there are peasant and Kisan organisations, labour organisations, socialist organisations and many others. They are fighting the battle of freedom and are trying to ameliorate the economic condition of the people, but Government, not to speak of coming forward with a measure for their recognition, have been trying to repress and suppress them. What then has been the underlying motive behind to come forward with this measure not only to recognise certain associations but also to give them statutory powers to levy fees from local bodies? My impression is that Government

want to create these associations to fight against the other bigger ones who are fighting for freedom and for bettering the conditions of the starving millions, and that the main duty of these associations will be to spy the legitimate activities of the Congress and peasant organisations. I, therefore, challenge the Hon'ble Minister to have the courage to circulate the Bill for eliciting public opinion. It will not do for him simply to say from his safe place here, as he did yesterday in connection with another matter, that public opinion is in his favour. I ask him, therefore, to send the Bill out for public opinion, and if that is in his favour, I shall be very glad to support him.

With these words, Sir, I commend my motion to the acceptance of the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise to oppose this amendment. I confess I fail to follow the logic or argument of Mr. P. Banerji. Government have got no interests whatsoever of their own in introducing this Bill. They simply want to encourage the formation of local bodies' associations which will further the cause of the local bodies themselves. It has been a move from the non-officials themselves. The association has been formed on the initiative of non-officials in which all the municipalities have joined. The initiative did not come from Government at all. They formed the association, and they requested Government to recognise the association and to issue orders to the local bodies to contribute to the funds of the association. Government by consulting their lawyers, however, found that the statute did not give them any such power. Naturally, they thought that it was much better to introduce a comprehensive Bill taking powers to that effect.

As regards the aims and objects of the association, I think the best thing would be to read out from the memorandum of the all-Bengal municipal association. It reads as follows:—

To bring about and maintain a federation of municipal administrators.

To set up an ideal of municipal administration conceived in the interests of the tax-payer.

To educate the electorate in matters civic.

To adopt measures conducive to the maintenance of harmony among and harmonious action by members of the municipal boards and to intervene voluntarily or otherwise in cases of discord.

To secure the co-operation of and to co-operate with the non-municipal local bodies in matters of general and common interests.

To create a training ground for workers with a view to employment in municipal service and particularly for helping the cause of unemployment.

To safeguard and promote the interests of the tax-payer so far as possible at the instance of properly constituted local associations.

Then, Sir, the committee which was appointed by the municipal association consisted of non-officials and there was not a single official on it. They were mostly Chairmen and Vice-Chairmen of municipalities, and Government had nothing to do with them.

Mr. P. Banerji has said that the analogy of England is not applicable here because what is possible in England is not possible in this country, but, after all, our ideals are the English institutions, and I hope Mr. Banerji does not deny that.

I repudiate the charge that this association is going to be encouraged by Government for fighting the organisations that are fighting the battle of freedom. My friend will have to revise his conception of Government very soon. It is quite likely that he will be on the Treasury Bench, and that he or his colleagues will form the Government. So, if public interests or the interests of the country are not safe in his hands or in the hands of people of his mentality, I think they must hang their heads down in shame. Government, at least the present Government, have nothing to do with the formation of such associations and have no direct interests in them.

With these words, I oppose the amendment.

The motion that the Bill be circulated for the purpose of eliciting public opinion thereon was then put and lost.

The original motion that the Bill be taken into consideration was put and agreed to.

The motion that clauses 1 and 2 stand part of the Bill was put and agreed to.

Clause 3.

Mr. KARTICK CHURN MULLICK: I beg to move that in clause 3, in line 5, after the words and figure "under section 5," the words "and with specific sanction of the Local Government" be inserted.

I beg also to move that in clause 4, in line 4, for the words "attends as a representative of such local authority," the words "is selected by a local body as its representative and attends" be substituted.

Mr. President, Sir, In connection with this Bill—the Bengal Local Self-Government Associations (Recognition) Bill, 1936—I beg leave to

move a slight amendment in sections 3 and 4. I would suggest the introduction of the words "and with the specific sanction of Government" after the words "under section 5" in the fifth line and the substitution of the sentence "is selected by a local body as its representative and attends" for the sentence "attends as a representative of such local authority."

As regards the amendments, I may first of all explain that the first amendment is suggested so that a union board, for example, which may be in a bad way as regards funds may not be led to make a contribution which it can ill afford to spare. In this case, it will have to apply to the Circle Officer or to a higher authority through the Circle Officer who is expected to know the financial condition of the union board and would recommend the grant or the withholding of permission to contribute, whichever action he considers necessary and expedient. We are still in the stage, where a certain amount of control over the finances of such infant local bodies as union boards appear to be necessary for some time longer.

As for the second amendment it is sought to make the position more clear by slightly changing the phraseology.

I hope the Hon'ble Minister-in-charge will have no objection to the amendments I have suggested.

Babu SATISH CHANDRA RAY CHOWDHURY: Sir, I beg to oppose the amendments. The Bill gives recognition to local bodies' associations for the benefit of the local self-government institutions and not every kind of institution that they have to deal with. I think the Bill should remain as it is, and I therefore oppose the amendments.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I oppose the amendments which in the opinion of Government are wholly unnecessary and superfluous. The provisions of clause 5 of the Bill are comprehensive enough. I would, however, draw the honourable member's attention to sub-clause (*a*) of clause 5 of the Bill. The maximum rates at which and the conditions subject to which contributions may be paid under section 3, would be determined by Government. So, I think that is a sufficient safeguard. The idea is to lay down certain scales according to the income of the local bodies,—the scale of pay and of contribution which would be determined according to the financial position of each local body. I think that is a sufficient safeguard beyond which Government need not go.

With these words, I oppose the amendments.

The motions were put and lost.

Clauses 3 and 4.

The motion that clauses 3 and 4 stand part of the Bill was put and agreed to.

Clause 5, Preamble.

The motion that clause 5 and the Preamble stand part of the Bill was put and ageed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill, as settled in Council, be passed.

The motion was put and agreed to.

The Bengal Local Self-Government (Second Amendment) Bill, 1936.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to introduce a Bill further to amend the Bengal Local Self-Government Act of 1885.

The Secretary then read the short title of the Bill.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg also to move that the said Bill be taken into consideration.

The object of the Bill is to remove certain practical difficulties that have arisen in connection with section 16B of the Local Self-Government Act which provides that the elected and appointed members of a district or a local board should take oath within three months of their election. But the sanction of appointed members often takes time of more than three months and the first meeting of the board cannot in that case be held within three months. In such cases, the members are prevented from taking oath within the prescribed time under circumstances beyond their control. They are, therefore, in no way responsible for the failure to take the oath. The Act provides that if they do not take oath, within that time, they will not only cease to be members, but that they will also be ineligible for offering themselves for re-election. So that would be very hard on people who will be punished not for any fault of theirs. There have been certain cases during the last few months where the courts have held that failure to take the oath within three months was sufficient ground for these members of district and local boards losing their seats. It is now proposed to remove this anomaly and to give retrospective effect to the Bill in order to remove these difficulties created with regard to those particular districts and local boards, and it is with this object in view that this Bill is being introduced. It is proposed to bring this section in the Local Self-Government Act exactly into line with section 57 of the Bengal Municipal Act, so that the term of office of the elected

and appointed members would begin from the day of the first meeting of the boards. So that, if after that any member does not take the oath within the time prescribed, the responsibility would be his. With these few words I commend the motion to the acceptance of the House.

Mr. PRESIDENT: Two amendments have been tabled against this motion. Do you, Dr. Sen Gupta, wish to move the one which stands against your name, or would you speak on the motion of Mr. P. Banerji, as that too aims at circulation of the Bill?

Dr. NARESH CHANRA SEN GUPTA: There is not much difference between my motion and Mr. Banerji's motion except as regards the date. I do not mind speaking on his motion and not move mine.

Mr. P. BANERJI: I beg to move by way of amendment that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st April, 1937.

Sir, in moving his motion for consideration of the Bill the Hon'ble Minister has not told us anything about the "practical difficulties." He has only generally said that there have been practical difficulties in the case of certain local bodies; but he has not said in how many cases—for there are so many district boards and local boards in Bengal —these practical difficulties have arisen. One honourable member suggests that they may have arisen in one place: to that my reply would be that the majority must rule, because in most cases when they find no difficulty, if a difficulty is found in certain cases, it must be supposed that that board is incompetent to overcome these difficulties. Therefore there is no point in favour of the Hon'ble Minister saying so. We expected that the Hon'ble Minister would give us some idea about the practical difficulties experienced in different cases attended to by him. In the absence of such a statement therefore we feel that the Bill should be circulated for opinion and the opinions of all the local bodies should be taken; besides, the time I have mentioned for collection of this opinion is not long, namely, only by the 1st April, 1937, when the Hon'ble Minister will be in a position to again place the matter before the House. We know that he is going to be returned uncontested; so there will be no practical difficulty of doing so from his side either.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I support this motion but on very different grounds. I accept every one of the propositions stated by the Hon'ble Minister, that the section as it stands now is absurd and foolish and ought not to be there. If the Government had acted with any amount of deliberation at the time when this amending measure was before the Council such a thing would not have been in

existence now. As a matter of fact I recall that when this amending Bill was being discussed in this Council the thing was rushed with indecent haste and the Government was unwilling to consider even the slightest and the most reasonable of amendments. If I am not very much mistaken, there was an amendment tabled which wanted to extend this period of three months. But Government stood up to oppose it. At that time I was one of those who opposed this archaic institution of oath being introduced into local bodies. I was one of those who did not want the provision relating to oath being made so stringent. But the Government then thought that the earliest taking of the oath was a *sine qua non* of the excellence of local self-government in Bengal and they were taken up so much with this idea that they had not even the time to think of such a contingency arising—a contingency which any one with half an eye to see would say, might arise. That, Sir, is one thing. The practical difficulty is there and it has got to be removed. But the question is how to do it. Government find practical difficulties to-day and, living from hand to mouth as they do, they come up with just that much of amendment which will do for the moment. But have they considered whether the amendment now proposed will be enough, that other difficulties would not be cropping up and another amending legislation would not have to be brought up again? I want the matter to be threshed out. I want the district boards and the local boards to be asked to tell us how this absurd provision should be remedied in order that there should not be any further absurdity and in order that we should not be left in any further difficulty in the future. It is possible that if they had done so, it might have been found that this provision in regard to the taking of oath and the formalities connected therewith were obnoxious and on more grounds than had been brought to the knowledge of the Hon'ble Minister. In that case the Government might come forward with a more comprehensive Bill for the purpose. Then again, the remedy suggested is to bring the Bengal Local Self-Government Act into line with the Bengal Municipal Act and to start the period of life of members from the date of the first meeting. Well, I wonder if even that should not create difficulties. The proposal now made might mean that if a member is unable to attend the first meeting or, say, if by reasons of health or otherwise he is prevented from attending meetings or attend to his work within a particular time, he would be debarred not only from sitting as a member, but also from standing for re-election: that also is a difficulty which should be considered. I hope the Hon'ble Minister will not insist on waiting till another court has given another decision after this Act has been passed, that a particular member is disqualified, and then come forward with another amendment. These, Sir, are the reasons for which I want that the matter should be considered after getting the opinion of the local bodies who have seen the law in practical operation, not for the purpose of giving their opinion in regard

to the difficulties which undoubtedly exist, but for the purpose of suggesting a remedy: whether this remedy is just the remedy which is needed or whether something more and better should be done. I do not profess to be an expert in this matter and there may be other difficulties which will have to be considered; but when we are going to have an amendment it should be an amendment of a more permanent character. Then there is another aspect. The only practical difficulty which the Hon'ble Minister has referred to is being caused by one and one factor only, and that is that within the three months' limit Government do not find it possible in some cases to complete their nominations. That, Sir, is a point on which I feel rather strongly. Why should the Government take a long time in making appointments of members to the local bodies? Well, two months after the elections is surely a pretty long time within which to complete the nominations. Communications are very easy now-a-days and even before elections are over, District Officers might be instructed to have names ready, so that as soon as they are over, their recommendations for nomination might be sent over to the Local Government and nominations may be made; where is the difficulty about this? The difficulty arises not because it cannot be done but because the Government do not find it convenient to do so, because these nominations are managed not for the purpose for which they ought to be managed, that is for the purpose of bringing in local talents who cannot come in or do not care to come in through election, but have to be brought in by nomination, but for the purpose of securing the balance of power in favour of somebody or other whom the Government want to be in power. It is an open secret. Long negotiations go on after an election has taken place for the purpose of putting in certain persons as nominated members. It is these long negotiations which take time. If the present provision of the law is any effective check on the prolongation of these negotiations I should welcome it, and I should like that the old law should not be altered. The reason why Government were so very anxious about a three months' limit to the taking of oath when the Bill was passed and why they are now so very anxious to extend the time, is not so much the "practical" difficulties of the members who are elected, as the difficulty of the Government themselves in making up their minds about the distribution of their patronage! That is the cloven foot behind this measure which makes me so suspicious; and for this reason I want that this measure should be circulated for eliciting public opinion. These nominations have become in many cases an open scandal, and I think anything which would prevent its becoming a greater scandal than it is now, would be better.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to support the motion on a number of different grounds. We find that in the Bill provision has been made in sub-section (*5*) for the supersession of local

boards and district boards. That is an outrageous provision introduced here quite surreptitiously, whereas the Statement of Objects and Reasons covers altogether different ground. We can understand that difficulties may have arisen on account of some lacuna in the law itself but by taking advantage of this we find that sub-section (*5*) has been introduced to the effect that "where all the members of a district board or local board have failed to make the oath or affirmation under this section and the Local Government is not satisfied that the failure of the members who have failed to make the oath or affirmation was due to inadvertence or misapprehension, they may supersede the district board or local board for a period."

This has come to the public as a great surprise; they did not expect that under cover of the Statement of Objects and Reasons such a drastic provision would be introduced in the Bill itself. This is a matter on which the public and the local bodies should be allowed to have a say. In no conceivable circumstances such reason as has been shown can prevail in superseding the boards. Sir, reference has been made to the consequences which will follow on account of members not being able to take the oath of allegiance by reference to section 132 of the Local Self-Government Act. In that section and in the previous section the reasons which would entitle Government to supersede the boards are of a quite different character. There it is laid down that if a board persistently makes a default in the performance of the duties imposed on it by, or under, this or any other Act, in that case supersession may take place. It is passing strange that simply because the members refuse to take the oath of allegiance the whole body of citizens, who elected those members, should be punished by the supersession of the board. This is too much for us to swallow at the fag end of the session without time being given for proper deliberation. If there was an emergency I should have understood the position but I may point out that such an emergency was not contemplated by the framers of the original amending Act of 1932. What would happen if all the members refused to take the oath of allegiance? If that was not contemplated, may I ask whether anything has happened since the passing of the amending Act, which has actually frightened the Government to such an extent as to bring forward this measure. Has any member of the board refused up to this time to take the oath of allegiance? If that is not so, there is no justification for introducing such a drastic provision. If you are forestalling things that may happen in future, and if the whole board non-co-operates, then an emergency might happen and it would be a great emergency but that emergency would be the result of Government persistently pursuing their reactionary policy. If the Commissioners of municipalities, or the members of the local boards, refuse in a body to take the oath of allegiance, I think that will be a state of crisis. But even then these provisions will not be enough to meet the emergencies. Such a state of

things may of course be left to be decided by the persons who will then form the Government and who will then form the legislature. But I submit that the Government ought not to agree to insert a provision like this which might lead to the supersession of local boards and district boards. This is the particular reason and I think it is a very cogent reason why I support this amendment.

Maulvi TAMIZUDDIN KHAN: Sir, I beg to oppose the motion now under consideration. As regards my friend Mr. P. Banerji, who moved this motion, I do not take him seriously because I think no new measure has ever been introduced on the floor of the House without a motion for circulation coming from our friend Mr. Banerji; and I am all the more confirmed in my belief by the fact that Mr. Banerji has not been able to adduce any reason whatsoever in support of his motion. The only argument that he tried to make out was that the Hon'ble Minister has not recounted cases in which difficulties have actually arisen. I do not see how the mere recounting of particular cases would have strengthened the case of the Hon'ble Minister unless he was justified by the very anomalous situation that is to be found in the present Local Self-Government (Amendment) Act. The Act provides that oath of allegiance must be taken by members within three months of their election. He has said that it very often happens that nominations are not made within three months. Therefore members are debarred from taking the oath of allegiance within three months when nominations cannot be made within that period. Therefore I think the matter is so simple that I am surprised that any one could have raised any objection to this simple piece of legislation. My friend complained of specific cases, I know of some such specific cases. There was one case in Comilla, another case in the district of Hooghly, and two cases in the district of Faridpur. Most of these cases have been disposed of. The same difficulty as pointed out by the Hon'ble Minister arose in those cases. What will happen to the members who will be unseated as the result of these cases for no fault of their own? Is it not proper that the legislature should remedy this state of things? If there is a lacuna in the Act, is it not up to this House when that lacuna has been detected to remedy it as soon as possible? Should the members of the legislature idly look upon the situation without doing anything although they have the power to remedy that state of things? (BABU SATISH CHANDRA RAY CHOWDHURY: Is it a validating Act?). My friend asks if it is a validating Act. It is a validating Act and I may refer my friend to clause 2 (3) in which it is stated that where any person has failed, whether before or after the commencement of the Bengal Local Self-Government (Second Amendment) Act, 1936, to make the oath or affirmation of allegiance, etc. That shows that it is also a validating Act. The local Government will have to condone

failure in taking the oath of allegiance if the Government is satisfied that the oath was not taken owing to circumstances beyond the control of the members concerned.

Now Dr. Sen Gupta has said that certainly there is a lacuna and it must be remedied. But his argument is that the Government should wait further to elicit opinion from local bodies and other persons. I do not see what the local bodies will give their opinion on. Is it such a complicated matter that it requires the opinion of the local bodies to be taken for its solution? He says that even if this legislation is accepted by the House, it may happen that a Court of law will find some new lacuna which will require further rectification. I submit, Sir, that such cases very often occur and the legislature has to come to the rescue of the situation. So far as we can see at present there is no other lacuna which requires justification and Dr. Sen Gupta has not also been able to point out any other lacuna which requires immediate rectification. Simply on account of a vague apprehension that in future a Court of law may find out some new defect, we should give up this piece of legislation, is a proposition which I cannot accept.

Lastly, Dr. Sen Gupta gave some advice to the Local Government and found fault with the Government in not publishing the nominations with expedition. This is not the proper place to find fault with the Government for anything that may have occurred in some particular instances. But the thing remains that if actually certain members of local bodies have been put to hardship on account of a certain lacuna in the Act, I do not see why the lacuna should not be remedied.

Sir, the last speaker raised a new objection. He has said that there is an astounding proposition in this Bill that if all the members of a particular local body or a majority of the members failed to take the oath of allegiance, the provision is that the board may then be superseded by Government. He thinks that it is a surprising piece of legislation. I submit, Sir, that so far as this matter of oath is concerned the whole House is, in my opinion, unanimous. When this matter was discussed on the floor of the House at the time of the passing of the Act, I think no member raised any objection to this provision. (DR. SEN GUPTA: I objected to it). I am sorry if I am wrong, but I may maintain that there was no serious objection taken to the provision and if my friend turns over the pages of the Council proceedings of those days, I think my proposition will be confirmed. Now, Sir, this Bill provides that if the majority of the members of a local body fail to take the oath owing to circumstances over which they have no control, certainly in that case the Government is not going to supersede that local body. Only in the case of wilful failure in not taking the oath of allegiance that the Government will be empowered to supersede the Board concerned. I do not think that there is any complication in this simple matter. If responsible members of a local body

fail to take the oath of allegiance purposely and deliberately, I think that should be a fit case for the board being superseded. But, Sir, I know my country better than some of my friends. I know fully well that in no case the majority of the members will ever be perverse enough to refuse to take the oath of allegiance, and there will be no occasion for superseding a local body on this ground. I think it is a simple piece of legislation and no substantial objection can be taken to its provisions. On the flimsy grounds which have been adduced I do no think that a simple measure like this should be circulated for eliciting public opinion thereon.

With these words I oppose the motion.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the amendments.

In replying to the arguments of Mr. Banerji, I need only give him the names of the district boards where difficulties arose on account of the failure of the members to take the oath within the prescribed time. I am sure that will convince my friend of the justification of this measure. The district board of Hooghly, the district board of Tippera and the local boards of Faridpur are the three local bodies where there were civil suits for the removal of the members for failure to take the oath within the prescribed time. Sir, the very fact that out of 26 district boards and certainly about four times the number of local boards only in three or four cases there were failures due to the nominations not being gazetted within three months, shows that Government are not slack in discharging their duties and I can assure you, Sir, that every possible care is taken to complete the nominations. (MR. P. N. GUHA: Question). There is no use questioning; but the fact shows that out of so many local boards and district boards only in the case of three there were failures and in those cases the failures were beyond the control of Government due to circumstances which could not be controlled. I would just mention to hon'ble members that there are cases where the nominations recommended by the District Officers or the Commissioners have got to be referred back to them in order to find out whether suitable people representing different interests and different communities have been nominated. Names of suitable Hindus may be put up. Then arises the question of adequate representation of the schedule castes. The Secretariat are at a loss to find out who belong to the schedule castes and who do not. Naturally they have got to make a reference and that takes a little time. There may be others who may not be proper representatives on other grounds; so this reference between Government and the local officers sometimes takes a long time and in these three or four cases the time went beyond the statutory limit. I just want to impress upon the House that Government are never lacking in impressing on

the local officers and the Secretariat the necessity of complying strictly with the provisions of the section as far as practicable but there are certain things which are beyond anybody's control and these cases have to be provided for. Dr. Sen Gupta says that this is not a validating Bill.

Dr. NARESH CHANDRA SEN GUPTA: I said I was wrong.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Dr. Sen Gupta says that this provision about oaths is archaic and should never have been introduced. I submit that this is a reflection on the decision of the House. Government introduced a Bill and the House after considering the Bengal Municipal Amendment Bill for over five weeks placed it on the Statute Book. So the decision was not the decision of Government but of the House and every member of the House should, I think, take the responsibility for that decision. It might be that there were certain members who did differ but the collective wisdom of the House said what this Act should be. Dr. Sen Gupta would like to thresh out all defects and would like to provide for all time to come. Where is a seer who could legislate for all time to come and I think he is yet unborn. Surely defects and lacunas in the statutes are discovered in course of working and even in the most ancient statutes lacunas are discovered after many years and the Government of the country have to come forward with amending Bills. But my friend would like to legislate for all time to come; I wish that there were that perpetuity in all human affairs but alas! that could not be. The practical defects I have already explained in my opening speech. Those members of the local and district boards are going to be unseated for no fault of theirs and not only unseated but under the provisions of the Act they will be debarred from offering themselves for re-election; so, that has to be remedied. The proposal is to bring the provisions of the Local Self-Government Act exactly on the same lines as the provisions of the Bengal Municipal Act. My friend, Mr. Satish Chandra Ray Chowdhury, for whom I have great respect, has the reputation of reading his papers very carefully but I am sorry to find that, on this occasion, he is not true to his former self and probably his time is too much taken up by election propaganda and he has not read his papers. I refer him to section 6 of the amended Bengal Municipal Act, 1933. The whole thing is a verbatim copy of that. The House accepted the amendment that when there is a wilful failure on the part of members or all members of a local, municipal or district board then and then only that body should be superseded. Now the question is whether there has been a wilful failure. I would refer my friend to sub-clause (*3*) which provides for cases beyond the control of members. For all cases where circumstances are beyond their control Government retain the power of condoning such failures;

so this last clause only refers to wilful failure and there is nothing new in it. It is simply a verbatim copy of the provisions of the Bengal Municipal Act which was accepted by this House. It is no new provision and nothing new is sought to be introduced. So my friend Mr. Satish Chandra Ray Chowdhury need not be surprised at or need not fight shy of this piece of legislation. It is an innocent piece of legislation which has been introduced with the best of motives and with the best of intentions to do away with practical difficulties and only to safeguard the interests of the representatives of the people. With these words I oppose the amendment.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon by the 1st April, 1937, was then put and lost.

Clauses 1 and 2, and Preamble.

The motion that clauses 1 and 2 and the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I beg to move that the Bill as settled in Council be passed.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 2 p.m. on Wednesday, the 25th November, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 25th November, 1936, at 2 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 94 nominated and elected members.

Oath or affirmation.

The following member made an oath or affirmation of his allegiance to the Crown:—

Mr. D. Gladding.

STARRED QUESTIONS

(to which oral answers were given)

Detenu Nabajiban Ghosh.

***14. Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether it is a fact that detenu Nabajiban Ghosh committed suicide at Gopalganj, Faridpur, on the 23rd September, 1936?

(*b*) Is it a fact that the said Nabajiban left behind him two letters, one in English and the other in Bengali, giving reasons for his suicide?

(*c*) Is it a fact that the said letters were not delivered to, nor even shown to, the father of Nabajiban when he went to Gopalganj on the 25th September?

(*d*) If the answer to (*c*) is in the affirmative, what are the reasons?

(*e*) Is it a fact that the father had applied in April, 1936, for the retransfer of his son to the Berhampore Detention Camp and again in July, 1936, for sending him to the Industrial Camp, but both of his applications were refused?

(*f*) If the answer to (*e*) is in the affirmative, what were the reasons for such refusal?

(*g*) Is it a fact that detenus transferred to village domicile generally apply either to be granted home internment or to be sent back to detention camps?

(*h*) If the answer to (*g*) is in the affirmative, have the Government enquired into the reasons for such preference?

(*i*) Is it a fact that another brother of the late Nabajiban, namely, Jyotijiban, has been in internment since April, 1932?

(*j*) Is the Hon'ble Member aware that the mother of the said detenus is suffering from tuberculosis?

(*k*) Are the Government considering the desirability of—

(*i*) ordering the release of Jyotijiban, or

(*ii*) allowing him at least to be in home internment?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) Yes.

(*b*) He left two such notes, both written in English, on a single piece of paper.

(*c*) and (*d*) It is reported that the notes were not handed over to the detenu's father, as they were not addressed to any particular person.

(*e*) Yes.

(*f*) Government considered that the close restraint involved by detention in a camp was not necessary; but on the other hand, that the detenu was not a suitable case for selection for industrial training.

(*g*) A number of such applications have been made, but it cannot be said that it is a general practice.

(*h*) Does not arise.

(*i*) He was arrested in June, 1932.

(*j*) Government have seen a physician's report to this effect.

(*k*) (*i*) and (*ii*) Not at present.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether that piece of paper left by the detenu is now in the custody of the Hon'ble Member?

The Hon'ble Sir ROBERT REID: It is not in my custody, Sir.

Mr. P. BANERJI: Is the Hon'ble Member in a position to contradict when I say that no such letter was left by the detenu?

The Hon'ble Sir ROBERT REID: I am not in a position to say anything of the sort.

Mr. P. BANERJI: Is the Hon'ble Member in a position to contradict me when I say that this was really not a case of suicide but a case of assault, resulting in the death of that unfortunate detenu?

The Hon'ble Sir ROBERT REID: There is no evidence whatever to that effect.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state whether the note gave any indication as to the cause of the suicide?

The Hon'ble Sir ROBERT REID: It did give some indication of that. It was written in the letter that the suicide was due to certain reasons.

Mr. NARENDRA KUMAR BASU: Were those reasons mentioned in the letter or were they left vague?

The Hon'ble Sir ROBERT REID: I have not got the note in my hand and I do not remember the exact wording.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state whether he will publish those letters so that the public may know the reasons why he committed suicide?

The Hon'ble Sir ROBERT REID: Government does not intend to publish them.

Mr. SHANTI SHEKHARESWAR ROY: Was any enquiry held in connection with the suicide of that detenu?

The Hon'ble Sir ROBERT REID: Yes.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state who held that enquiry?

The Hon'ble Sir ROBERT REID: I can inform the Hon'ble Member afterwards, but I cannot say straightaway now.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether it is cheaper for Government to keep a person detained in a detention camp or is it cheaper to keep him in village domicile?

The Hon'ble Sir ROBERT REID: The comparative figures have never been worked out. It would depend on the circumstances of each case.

Mr. NARENDRA KUMAR BASU: With reference to answer (*g*), has the Government made any enquiry into the matter as to why a person transferred to village domicile wanted to be sent back to jail?

The Hon'ble Sir ROBERT REID: No special enquiries have been directed to that point, Sir.

Mr. NARENDRA KUMAR BASU: Has a general enquiry been made?

The Hon'ble Sir ROBERT REID: No.

Babu SATISH CHANDRA RAY CHOWDHURY: Considering the allegations that have been made, will the Hon'ble Member be pleased to state whether an enquiry will be made in future?

The Hon'ble Sir ROBERT REID: I cannot give any undertaking to that effect.

Purchase of interest of zamindars and under-tenure-holders by Government.

*15. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that between the Government and the *raiyat* there are hosts of middlemen, viz., zamindars and under-tenure-holders to collect the rent?

(*b*) Are the Government considering the desirability of appointing a Commission to inquire into the feasibility of purchasing the interests of all zamindars and under-tenure-holders by raising a loan, the interest of which may be met by the collection of rents from the *raiyats* directly by the Government?

(*c*) If the answer to (*b*) is in the negative, will the Government be pleased to state the reason thereof?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Government are aware that in many cases there are middlemen between them and actual cultivators.

(*b*) No. Because Government has not adopted a policy of State purchase of all interests above those of the cultivating *raiyats*.

(*c*) For the same reason.

Allowance of detenu Babu Jyotish Chandra Mullick.

***16. Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that Babu Jyotish Chandra Mullick, now detained under the Bengal Ordinance used previously to earn over Rs. 150 per month as manager of an estate and from other sources;

(*ii*) whether it is a fact that he is now getting an allowance of Rs. 25 only per month; and

(*iii*) whether it is a fact that he has an unmarried daughter of marriageable age who is getting an allowance of Rs. 5 only per month?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of increasing their monthly allowances?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) From information in the possession of Government it appears that, before his arrest, the detenu had no income except that derived from his landed property.

(*ii*) and (*iii*) Government are not prepared to give the information asked for in these questions.

(*b*) No.

Babu KISHORI MOHAN CHAUDHURI: With reference to answer to (*a*) (*i*), will the Hon'ble Member be pleased to state whether Government will be pleased to make an enquiry allowing the detenu to have an opportunity of giving his evidence?

The Hon'ble Sir ROBERT REID: Government are satisfied with the information already in their possession, and it is not intended to make any further enquiries.

Family of detenu Nabajiban Ghosh.

***17. MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that a brother of Nabajiban Ghosh who committed suicide at Gopalganj (Faridpur) had been sentenced to death in the Burge Murder Conspiracy cases;

(*ii*) that Jyotijiban Ghosh, another brother of the deceased has been in detention since April, 1932;

(*iii*) that the eldest brother of the deceased was externed from the district of Midnapore and dismissed from his post as Professor of Midnapore College in the year 1933; and

(*iv*) that their mother has been fast sinking under an attack of tuberculosis for the last two years?

(*b*) Are the Government considering the desirability of releasing Jyotijiban Ghosh?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) and (*iii*) Yes.

(*ii*), (*iv*) and (*b*) Attention is invited to the replies given to parts (*i*), (*j*) and (*k*) of another question put at this meeting by Mr. Narendra Kumar Basu.

Rai Bahadur KAMINI KUMAR DAS: Will the Hon'ble Member be pleased to state whether the father of the deceased has expressed any regret for participation by his sons in the murder of Mr. Burge?

The Hon'ble Sir ROBERT REID: No such expression of regret has reached Government.

Rai Bahadur KAMINI KUMAR DAS: How many magistrates were murdered in that district?

The Hon'ble Sir ROBERT REID: Three District Magistrates have been murdered in Midnapore.

Detenu Nabajiban Ghosh.

***18. MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that Nabajiban Ghosh, who was interned in the police-station of Gopalganj, in the district of Faridpur, committed suicide on the night of the 22nd September, 1936; and

(*ii*) whether it is also a fact that the father of the deceased was not given any intimation of the news till 11 p.m. on the 23rd September, 1936?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of inquiring into the causes of delay in informing the parents?

(*c*) Is the Hon'ble Member aware—

(*i*) that the deceased had left some letters behind him immediately before his death; and

(*ii*) that the contents of those letters were not disclosed to the father of the deceased by the Subdivisional Officer of Gopalganj when the father of the deceased interviewed the said Subdivisional Officer on the morning of the 25th September, 1936?

(*d*) If the answers to (*c*) are in the affirmative, are the Government considering the desirability of handing over those letters to the parents of the deceased?

(*e*) Is it a fact that another letter, dated the 16th September, 1936, written by the deceased to his mother stating that he was having no servant and getting his food from the hotel and that he lost his weight from 111 to 97 lbs., and that he was suffering great discomfort on that account, was censored by the Superintendent of Police, Faridpur, on the 23rd of September, 1936, viz., the day after his death and which reached the mother on the 24th September, 1936?

(*f*) If the answer to (*e*) is in the affirmative, why was the same not allowed to reach its destination much earlier than this, to enable his father to take some steps for the redress of his grievances?

(*g*) Will the Hon'ble Member be pleased to lay on the table the report of the post-mortem examination of the body of the deceased?

(*h*) Is it a fact that all the correspondence that passed between the deceased and the Government for the redress of his grievances which were in his possession till his death was retained by the Police and not made over to the father who requested for the same after the death of his son?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) and (*ii*) Yes.

(*b*) The delay was due to the fact that telegraphic communication between Gopalganj and Faridpur was interrupted.

(*c*) Attention is invited to the replies to parts (*b*) and (*c*) of another question put at this meeting by Mr. Narendra Kumar Basu.

(*d*) No.

(*e*) and (*f*) A letter from the detenu to his mother was received by the Superintendent of Police on the 22nd September, 1936, and passed on to his mother on the 23rd September, 1936. The contents of the letter are not known to Government.

(*g*) A copy has been placed in the Library.

(*h*) Government are not aware that any such correspondence was in the detenu's possession.

"Dibyar Dighi" in Dinajpur.

*19. **Mr. R. MAITI:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that the big tank called "Dibyar Dighi" measuring about half a square mile in area with a stone pillar in its centre about 41 feet in height, in the district of Dinajpur under the Patnitala police-station, is a very ancient one;

(*ii*) that the historians of repute have definitely asserted after research that the tank in question was excavated in the eleventh century by Maharaj Dibya, the then elected King of Bengal;

(*iii*) that in order to perpetuate the memory of Maharaj Dibya, "Dibya Smriti Utsob" is being held every year since 1935 by the people of Bengal under the presidency of the historians of Bengal, viz., Rai Ramaprasad Chanda Bahadur in 1935 and Sir Jadu Nath Sarkar, KT., in 1936;

(*iv*) that the owners of the said *dighi*, Babus Debesh Chandra Mukherjee and Benoy Krishna Banerjee of Saidabad, Berhampore, in the district of Murshidabad, have let out in *patni* about 1,000 *bighas* of the said land to one Babu Dip Chand Bhakat; and

(*v*) that the said *patnidar* has since excavated a *khal* in the north-east corner of the *dighi* for draining out its water into the Atrai river causing damage to the monumental work of Maharaj Dibya in Bengal?

(*b*) Will the Hon'ble Member be pleased to state whether the Government are considering the desirability of taking such steps as will be necessary for the preservation of the same under any law in force?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) Yes.

(*ii*) Such a claim has been made by historians.

(*iii*) Yes.

(*iv*) A portion, amounting to about 100 *bighas*, has been leased to Babus Dip Chand Bhakat and Baleswar Ram Bhakat.

(*v*) A *khal* has been excavated but no damage has been caused to the monument.

(*b*) The monument has already been declared to be a protected monument under the Ancient Monuments Preservation Act.

Nawapara Road.

*29. **Mr. R. MAITI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether it is a fact that the Nawapara Road which runs from the Barrckpore Trunk Road eastward to the railway lines is being used by the Corporation of Calcutta and the Municipality of Baranagar for carrying vehicles containing night soil;

(*ii*) whether it is a fact that the road in question is narrow and uneven with breaches all over;

(*iii*) whether it is a fact that the rotten and leaky vehicles containing night soil very often capsize on the road and pollute it with their contents;

(*iv*) whether it is a fact that epidemic diseases have now become more frequent than before to the detriment to the health of the people living in the locality; and

(*v*) whether it is a fact that the residents of Nawapara, Mannapara and other neighbouring localities within the jurisdiction of the Baranagar Municipality have several times approached the Corporation of Calcutta and the municipality of Baranagar for redress of their grievances but to no effect?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what steps, if any, do the Government contemplate taking in the matter for permanently remedying the grievance of the people?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) and (*ii*) Yes. The road has a metalled width of 12 feet and an unmetalled flank of 5 feet on each side. The surface of the road is reported to be not in a good condition.

(*iii*) There was only one instance in which night soil was spilt on the road about five months ago when a night soil cart belonging to the Calcutta Corporation is reported to have capsized.

(*iv*) No.

(*v*) Certain representations have been received by the Baranagar Municipality which is corresponding with the Calcutta Corporation and the District Officer of the 24-Parganas with a view if possible to diverting the route for the night soil carts.

(*b*) Government propose to take no action while the matter is under discussion between the authorities mentioned.

Suicide of detenu Nabajiban Ghosh.

*21. **MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that the deceased Nabajiban Ghosh was allowed 3 days' leave to see his ailing mother in the month of March, 1936;

(*ii*) whether it is a fact that it was noticed that he was then very much reduced having a great loss in weight;

(*iii*) whether it is a fact that on the 18th April, 1936, the father of the deceased applied for the retransfer of the deceased to the Berhampore Detention Camp where he was originally detained from the Gopalganj police-station on the ground that his son had been much reduced and was suffering from depression of spirits due to the hardships of life in Gopalganj;

(*iv*) whether it is also a fact that again on the 27th July, 1936, the father applied for the transfer of his son to the Detenus' Industrial Training Camp for his training in some of the Industries selected for them by the Government which the deceased himself expressed his willingness to take; and

(*v*) whether it is a fact that the deceased himself applied for being interned in his own home with his parents?

(*b*) If the answers to (*a*) are in the affirmative, why were all the prayers rejected?

(*c*) Are the Government considering the desirability of holding an inquiry into all the circumstances of the suicide of detenu Nabajiban Ghosh and publishing a communiqué for general information?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) He was allowed two days' leave in April.

(*ii*) Government have no information.

(*iii*) to (*v*) Yes.

(*b*) As regards the applications referred to in (*iii*) and (*iv*) attention is invited to the reply given to part (*f*) of a similar question put at this meeting by Mr. Narendra Kumar Basu. The detenu's application for internment at home was refused, because it was considered likely that he might resume his terrorist activities there.

(*c*) A copy of a letter from the District Magistrate, Faridpur, regarding the inquest which was held at Gopalganj on the 23rd September, has been placed on the Library table. Government do not

consider that any further enquiry is necessary, nor do they propose to issue any communiqué, as they have nothing to add to the information which has been given in reply to questions on the subject in this Council.

Mr. NARENDRA KUMAR BASU: With reference to answer (*c*), has the attention of Government been drawn to the report in the newspapers about the suicides of two other detenus—one at Deoli and the other at his home in home internments?

The Hon'ble Sir ROBERT REID: Government are aware of two other suicides.

Mr. NARENDRA KUMAR BASU: Does not the Hon'ble Member think that the issue of a communiqué with reasons for such suicides is necessary in the interests both of Government as well as of the people?

The Hon'ble Sir ROBERT REID: I think I have answered that question in the answer to the question (*c*).

Mr. NARENDRA KUMAR BASU: Sir, the answer (*c*) refuses to issue any communiqué on the death of a particular young man, but is it not necessary in the interests of Government and of the public to issue a communiqué giving the reasons for the death of three detenus in such a short time?

The Hon'ble Sir ROBERT REID: Government do not see any necessity to do so at the present moment.

Mr. NARENDRA KUMAR BASU: Is it because Government thinks that it is not in the public interest to do so?

(No answer.)

New Council under the Reformed Constitution.

*22. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Will the Hon'ble Member in charge of the Appointment (Reforms) Department be pleased to state—

(i) whether the members of the present Legislative Council will continue to hold their office up to the 31st of March, 1937, even after the Council has been prorogued;

(ii) when and on what date the first sitting of the Bengal Legislative Assembly and of the Bengal Council under the New Constitution, will be held;

(*iii*) what would be the designation of the members of the Provincial Assembly and those of the Council; and

(*iv*) whether any House has been specially set apart for holding sittings of the Legislative Council (Upper House)? If so, where?

(*b*) If no house has been set apart for the Bengal Upper House, here is it proposed to hold the sittings of the Council?

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) whether the date for filing nomination papers for the indirect election to the Upper House by the members of the Lower House has been fixed;

(*ii*) If so, when;

(*iii*) whether the date for the said indirect election has been fixed;

(*iv*) if so, when;

(*v*) who will be the Returning Officer of that constituency;

(*vi*) how many Ministers and how many Secretaries will be appointed under the New Constitution;

(*vii*) how many of them will be Muhammadans and Europeans;

(*viii*) how many will be chosen from the Hindus and from the Scheduled Castes;

(*ix*) whether these Ministers will be appointed from the Lower House as well as from the Upper House; and

(*x*) if so, on what proportion?

MEMBER in charge of APPOINTMENT (REFORMS) DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) Yes.

(*ii*) It is impossible to answer this question at this stage.

(*iii*) This question is not understood. Presumably the members of the Lower House will be members of the Bengal Legislative Assembly and the Upper House, members of the Bengal Legislative Council.

(*iv*) and (*b*) No accommodation has been specially set apart for the Upper House. This question will be decided by the new Government.

(*c*) (*i*) to (*iv*) The actual dates have not been determined yet: but it is expected that they will be in the first half of February, 1937. An announcement will be made in due course.

(*v*) The Secretary of the present Bengal Legislative Council.

(*vi*) to (*x*) The present Government are not in a position to reply to these questions.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state, with reference to answer (*vi*) to (*e*), whether the present Government have considered these questions at all?

The Hon'ble Sir ROBERT REID: That is not a question which I think I need be called upon to answer.

Mr. PRESIDENT: You think it is much too general?

The Hon'ble Sir ROBERT REID: It is not only much too general, but it is much too confidential and much too speculative.

Local Boards and District Boards of Mymensingh.

*23. **Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the reasons for the delay in announcing the nominations to the Local Boards in the district of Mymensingh?

(*b*) When did the Local Board elections take place in the said district?

(*c*) Is the Hon'ble Minister aware that the delay in announcing the nominations to the Local Boards of this district after the election is in contravention of the rules framed under the Local Self-Government Act?

(*d*) Is it the intention of the Government to allow the present Local Boards and District Board to continue for some time more? If so, for how long?

(*e*) If the answer to (*d*) is in the negative, will the Hon'ble Minister be pleased to state when the new Local Boards and the District Board is likely to be constituted?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*), (*b*) and (*d*) General elections to the Local Boards were held in January, 1936, and second elections under section 10 of the Local Self-Government Act were held in certain places in May, 1936. The names of the elected members were published in the *Calcutta Gazette* of 9th July, 1936.

The recommendations of the local officers regarding the appointment of members were not received by Government till the middle of September. As the information supplied by the local officers was not complete on several important points, further enquiry had to be made. As soon as the necessary information was received by Government the appointments were gazetted on 5th November, 1936.

(*c*) No.

(*e*) The appointment of members of the Local Boards having been already made, the reconstitution of the Local Boards and of the District Board will be made in accordance with the procedure prescribed in the Election Rules under the Local Self-Government Act.

Maulvi ABDUL HAKIM: Was the announcement of the nominations made within the time prescribed by the rules?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no such time prescribed by the rules.

Maulvi ABDUL HAKIM: May I enquire what was the further information supplied by the local officials?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Maulvi ABDUL HAKIM: Is it not a fact that the file was returned to the district officer only for changing certain names?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: These things are confidential, and it is not in the public interest to say whether the file was at all returned or not.

Gambling at Kamarkhara Union.

***24. Mr. P. BANERJI:** (*a*) With reference to the answer given to clauses (*d*) (*i*) and (*ii*) of starred question No. 61 on the 20th December, 1935, will the Hon'ble Member in charge of the Police Department be pleased to state the result of the enquiry by the Sub-divisional Officer?

(*b*) Do the Government propose extending the operation of the Gambling Act to the Kamarkhara Union?

(*c*) Is the Hon'ble Member aware that extra police have been posted at Dighirpar, Baghia and Nasankar in the neighbouring villages of Kamarkhara to check crimes during *mela* days?

(*d*) Is the Hon'ble Member aware—

(*i*) that this year the Kali Puja takes places on the 13th November, next;

(*ii*) that a *mela* will be held for seven consecutive days from the 14th November, at the house of Rai A. C. Mitra Bahadur at Kamarkhara in Tangibari thana in the district of Dacca; and

(*iii*) that in the said *mela* gambling will be held for seven consecutive nights on a commercial scale?

(*e*) Are the Government considering the desirability of taking immediate steps against gambling in *melas*?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) It was found on inquiry that there was gambling at Kamarkhara on the occasion of the Kali Puja.

(*b*) and (*c*) It is reported that such a proposal has been submitted by the local officers through the usual channel. It will be duly considered by Government on receipt.

(*c*) Extra police have been posted to those villages, but these dispositions have been made with reference to the general incidence of crime in the locality and have no direct reference to crime during the *mela* days.

(*d*) (*i*) Yes.

(*ii*) and (*iii*) A *mela* is usually held in the locality referred to and there has been gambling, though not on a commercial scale, in previous years.

Detenu Bhupendra Nath Roy.

*25. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that Bhupendra Nath Roy, son of Nagendra Nath Roy, of Faridpur, had been in detention for more than 4 years and is now detained in Ghatail in the Mymensingh district;

(*ii*) whether it is a fact that he passed the Matriculation Examination in the 1st Division while in the Berhampore Camp; and

(*iii*) that he was transferred to Ghatail while preparing for the Intermediate Examination?

(*b*) Did the Government receive any representation from the said detenu as well as from his mother that owing to this transfer he was hampered in his studies and preparation for the I.A. Examination, and that for his studies he should be either transferred to a town or taken back to Berhampore Camp?

(*c*) If the answer to (*b*) is in the affirmative, what steps have been taken by the Government?

(*d*) Is it a fact that the mother of the detenu applied to the Government several times for maintenance allowance stating her financial difficulties owing to the premature discharge from service of her husband and the stoppage of the business in fresh vegetables in Faridpur carried on by her son, Bhupendra Nath Roy?

(*e*) If the answer to (*d*) is in the affirmative, what action, if any, has been taken on her representation?

(*f*) Are the Government considering the desirability of fresh inquiry into the necessity or otherwise of such allowance?

(*g*) Is it a fact that Bhupendra Nath Roy has been suffering from serious ear trouble and dyspepsia for the last two years?

(*h*) Is it a fact that he was brought down to the Mymensingh S. K. Hospital for treatment?

(*i*) If so, what is the result of the treatment?

(*j*) Are the Government considering the desirability of bringing him down to Calcutta for proper treatment by an ear specialist?

(*k*) Is it a fact that the father of the said detenu petitioned to the District Magistrate, Mymensingh, and the Deputy Secretary, Political Department to the Government of Bengal, in May, 1936, for granting three months' leave to Bhupendra Nath Roy to live with him at Faridpur for proper treatment?

(*l*) If the answer to (*k*) is in the affirmative, what has been the decision of the Government in the matter?

(*m*) Is it a fact that Bhupendra Nath Roy applied to Government for joining the Industrial Training Class opened by the Government for training the detenus?

(*n*) If the answer to (*m*) is in the affirmative, what is the Government decision in the matter?

(*o*) Do the Government contemplate an early release of the detenu?

The Hon'ble Sir ROBERT REID: (*a*) (*i*), (*iii*), (*m*), (*n*) and (*o*) The answer to the first part of question (*a*) (*i*) is in the affirmative. The detenu is under orders of transfer to an industrial training centre.

(*a*) (*ii*) Information to this effect was received from the detenu's mother.

(*iii*) He was transferred to Ghatail in May, 1934, and was permitted to appear at the examination held in the spring of 1935.

(*b*) and (*c*) A representation of this nature was received from the detenu's mother, but it was decided that there was no sufficient reason why the transfer should not be carried out.

(*d*) and (*e*) Yes, but the detenu's parents were not dependent on him before his arrest, and Government were informed that a brother of his made an adequate contribution towards their support.

(*f*) No.

(*g*), (*h*) and (*i*) He was admitted to hospital in Mymensingh in November, 1935, for treatment for dyspepsia and ear trouble, and was discharged, fully cured, about a month later.

(*j*) No.

(*k*) Yes.

(*l*) Government were satisfied that it was not necessary to move him.

Mr. P. BANERJI: Is it not the policy of Government to give proper facilities for the education of these detenus?

The Hon'ble Sir ROBERT REID: Certainly. Government have been habitually giving facilities for the education of these detenus.

Mr. P. BANERJI: Does not the Hon'ble Member think that such a transfer did not give him all the facilities for education that he required?

The Hon'ble Sir ROBERT REID: I have given him the answer to that in my reply to (*b*) and (*c*).

Mr. SHANTI SHEKHARESWAR RAY: Was the transfer order made as a sort of punishment?

The Hon'ble Sir ROBERT REID: Not that I am aware of.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state whether the views of a detenu as well as that of his parents are taken into consideration when such transfers are made?

The Hon'ble Sir ROBERT REID: Government do not consult either the detenu or his parents as a rule before a transfer is made.

Copyists in the Calcutta Registration Office.

***28. Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact that in September, 1936, an examination was held for the first time by the Registrar, Calcutta Registration Office, for filling up of a post in the permanent cadre of copyist?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for introducing the new system?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the Inspector-General of Registration, Bengal, granted an interview to the deputation led by the Secretary, All-Bengal Registration Employees' Association, in August, 1936; and

(*ii*) that the Inspector-General assured the deputationists that in cases of future vacancies the principle of seniority would be observed?

(*d*) If the answers to (*c*) are in the affirmative, will the Hon'ble Minister be pleased to state why that examination was held on the 7th September, 1936, in spite of the assurances of the Inspector-General of Registration and the principle laid down in the Circular, dated the 24th January, 1936?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) Yes.

(*b*) In the interest of efficiency.

(*c*) (*i*) Yes.

(*ii*) No.

(*d*) Does not arise.

Calcutta Registration Office.

***27. Mr. K. C. RAY CHOWDHURY:** Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to lay on the table a statement showing for the Calcutta Registration Office—

(*i*) the names of the copyists serving at present with the dates of their appointment;

(*ii*) the names of the extra-copyists serving at present with the dates of their appointment;

(*iii*) the number of vacancies filled up since February, 1936, in the posts of clerks and copyists together with the names and length of service of such employees; and

(*iv*) the names of the outsiders and junior hands appointed and promoted since February, 1936, together with the reasons thereof?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: A statement is laid on the table.

Statement referred to in the reply to starred question No. 27.

Name	Date of appointment.
(i) PERMANENT COPYISTS.	
Babu Manick Chand Pal	13th March, 1904.
Babu Jotish Ch. Ghosh	17th March, 1918.
Maulvi Md. Jawadal Karim	5th August, 1931.
Maulvi Md. Naziruddin	13th May, 1932.
Babu Surendra Nath Ghosh	16th January, 1933.
Maulvi Tajal Alam	4th September, 1933.
Babu Durgadas Banerjee, B.A.	13th October, 1936.
Babu Hiralal Nath, B.A	17th October, 1936.
(ii) EXTRA COPYISTS.	
Babu Anutap Ch. Ghosh	22nd May, 1912.
Babu Surendra Nath Malik	4th February, 1915.
Babu Sashi Bhusan Bose	19th March, 1917.
Babu Purna Ch. Palit	20th March, 1917.
Babu Atul Krishna Ray	10th April, 1917.
Babu Priya Ranjan Bose	1st August, 1920.
Babu Sachindra Nath Ghosh	9th August, 1922.
Babu Satish Ch. Ghosal	18th August, 1922.
Babu Khetra Mohan Ghosh	5th June, 1925.
Maulvi Syed Golam Wahed	15th June, 1927.
Babu Kartick Ch. Das	13th July, 1929.
Babu Ashutosh Hait	22nd July, 1929.
Maulvi Mofizuddin Biswas	3rd December, 1930.
Maulvi Reazuddin Mollah	4th December, 1930.
Babu Sunil K. Gupta	2nd March, 1931.

Name.	Date of appointment.
Babu Anath Bandhu Banerjee	19th March, 1931.
Babu Shome Nath Gupta	21st March, 1931.
Babu Harendra Nath Trivedi	15th July, 1932.
Babu Bhusan Ch. Biswas	12th September, 1932.
Babu Surendra N. Ghosh	10th November, 1932.
Babu Satyendra Nath Kar	12th November, 1933.
Maulvi Khorshed Alam	4th April, 1934.
Maulvi Abdul Mannan	28th April, 1934.
Babu Murari M. Batavyal	30th April, 1934.
Maulvi Md. Saadat Hossain	14th May, 1934.
Maulvi Abdul Mohit	6th June, 1934.
Babu Panna Lal Banerjee	2nd December, 1935.
Kazi Atahar Ali	2nd December, 1935.

(*iii*) and (*iv*).

Clerk—One vacancy.

Name—Maulvi Abdul Hamid Khan.

Length of service—12 years.

Copyists—Two vacancies.

Names—

(1) Babu Hiralal Nath, B.A.

(2) Babu Durgadas Banerjee, B.A.

Length of services—

(1) 4 years.

(2) Outsiders.

Reasons.—The Registrar of Assurances, Calcutta, held an examination of the extra-copyists attached to his office and found that none of them was fit for a permanent appointment except Babu Hiralal Nath, B.A., having regard to the Government orders that men selected from the extra-copyists should be such as would be fit for promotion to the post of clerks subsequently. Babu Hiralal Nath was appointed accordingly and the remaining vacancy was filled by an outsider as it was considered necessary to strengthen the permanent staff of the office of the Registrar, because out of 15 clerks and 6 muharrirs (excluding the two recent appointments), there were only one Graduate, one Undergraduate and one Matriculate, the remaining 18 being men below the Matriculation standard. The Registrar reports that the general standard of efficiency in his office is very low in consequence.

Registering Officers.

***28. Mr. K. C. RAY CHOWDHURY:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(*i*) that rule 191 of the Part VI of the Registration Manual lays down that the Registering Officer and his establishment should be present in the office from 11 a.m. to 5 p.m.; and

(*ii*) that the Registering Officers exercise supervision over the work of their establishments?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state whether any report is submitted by the Registering Officers to the higher authorities as to the working of the offices?

(*c*) Will the Hon'ble Minister be pleased to lay on the table a statement of such reports for the last 2 years in respect to the Alipore, Calcutta, Dacca, Bogra, Midnapore and Jessore offices?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*) and (*ii*) Yes.

(*b*) Yes.

(*c*) Such reports are numerous and their collection involves an expediture of time and labour which Government would not feel justified in undertaking.

All-Bengal Registration Employees' Conference.

*29. **Mr. K. C. RAY CHOWDHURY:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(*i*) that an All-Bengal Registration Employees' Conference was held in Calcutta on the 12th April, 1936; and

(*ii*) that copies of resolutions of that Conference were submitted to the authorities concerned?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken on the resolutions?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*) and (*ii*) Yes.

(*b*) No action was taken because the report was forwarded to Government with an unsigned letter and the receipt of a formal communication from the Secretary of the Association was awaited. This has not been received.

Rai Bahadur KESHAB CHANDRA BANERJI: Was the Secretary of the Association informed that the letter was not signed?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I cannot answer that, but apparently an office which sends an unsigned letter must take care of itself.

Recruitment under Police.

*30. **Mr. MUKUNDA BEHARY MULLICK:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to lay on the table a statement showing for the years 1933, 1934 and 1935—

(*i*) the number of appointments made on direct recruitment as Sub-Inspectors of Police in the (A) Bengal Police, and (B) Calcutta Police;

(*ii*) the number of candidates of the Scheduled Castes for appointments to these services;

(*iii*) the educational qualifications of those appointed to the (A) Bengal Police, and (B) Calcutta Police;

(*iv*) the relationship, if any, of the candidates appointed to both the Bengal Police and the Calcutta Police with any officer in either of the Police Departments who are serving at present or who have retired from service;

(*v*) the educational qualifications of the candidates of the Scheduled Castes for these services; and

(*vi*) the number of appointments made from amongst the candidates referred to in (*v*) above?

(*b*) If the answer to (*a*) (*v*) is in the negative, what are the reasons therefor?

The Hon'ble Sir ROBERT REID: (*a*) A statement is laid on the table.

(*b*) Only those who were up to the required standard and otherwise suitable were recruited.

Statement referred to in the reply t

	(i) Number of appointments made on direct recruitment as Sub-Inspectors of Police.			(ii) Number of candidates of the scheduled castes for appointments to these services.			(iii) Educational qualification of those appointed.		
Year.	1933.	1934.	1935.	1933.	1934.	1935.	1933.	1934.	1935.
Bengal Police ..	66	25	33	15	73	The information cannot be given without reference to all districts.	Graduate .. 49 Undergraduate. 8 Matriculation 9	17 3 5	26 5 2
Calcutta Police	8	1	7	The information cannot be given as the applications were destroyed.			M A. .. 1 B A., B.L. 1 B A . 4 B.Sc .. 2	B.A. 1.	M.A. 1. B.A. 6.

clause (a) of starred question No. 30.

(d) Relationship, if any, of the candidates appointed with any officer in either of the Police Departments who are serving at present or who have retired from service.			(e) Educational qualifications of the candidates of the scheduled castes for these services			(f) Number of appointments made from amongst the candidates referred to in (e).		
1933.	1934.	1935.	1935.	1934.	1935.	1933.	1934.	1935.
Sons of police 17 officers.	8	10	The information cannot be given without reference to all districts	Graduate . 17 Under-graduate 18 Matriculation 36 School Final 1 Non-Matriculation. 1	The information cannot be given without reference to all districts.	1	Nil	Nil
Otherwise related to police officers	Not known	6						
All except two of 1933 and three of 1935 are related to police officers			The information is not available			Nil	Nil	Nil

Srijut Subash Chandra Bose.

*31. **Rai Bahadur SUK LAL NAG:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that Srijut Subash Chandra Bose is ill in his confinement at Kurseong; and

(*ii*) whether it is a fact that he was examined by the Civil Surgeon of Darjeeling, Dr. Sir Nil Ratan Sircar KT., and Dr. Kumud Sankar Ray?

(*b*) If the answer to (*a*) (*ii*) is in the affirmative, will the Hon'ble Member be pleased to obtain copies of the reports submitted by these doctors and lay them on the table?

(*c*) Is it a fact that Srijut Subash Chandra is still lying ill?

(*d*) Do the Government contemplate moving the Government of India for—

(*i*) his release at an early date; or

(*ii*) his trial before a court of jutsice?

(*e*) Will the Hon'ble Member be pleased to lay a statement on the table showing his weight in each of the twelve months ending with September, 1936?

(*f*) What allowance, if any, is paid to Mr. Bose?

(*g*) What newspapers, if any, are supplied to him for his reading?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) and (*c*) The latest reports indicate that his health is not quite normal but it does not so far appear that any serious complaint has been discovered.

(*ii*) He was examined by the Civil Surgeon and Sir Nil Ratan Sircar.

(*b*) The reports are confidential and Government regret that they are unable to lay them on the table.

(*d*) No.

(*e*) Government have no information regarding his weight before his arrival in Kurseong in May of this year. It was then 171 lbs. In August it was 168 lbs., in September 164 lbs. and at the beginning of this month 162 lbs.

(*f*) Government are not prepared to give this information.

(*g*) He has so far been allowed the following:—

(1) The *Hindu*.

(2) The *Bombay Chronicle*.

(3) The *New Leader*.

(4) *Viswa Mitra*.

(5) *Ananda Bazar Patrika*.

(6) *Dhaleswar*.

(7) *Amrita Bazar*.

(8) *Sat Sangha*.

(9) *Harijan*.

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Member be pleased to state if the climate of Kurseong has anything to do with the decrease in weight of Mr. Subhas Chandra Bose?

The Hon'ble Sir ROBERT REID: We have had no report to that effect from the medical men.

Babu SATISH CHANDRA RAY CHOWDHURY: Is not the gradual decrease in weight for six months an indication that something is wrong with him?

The Hon'ble Sir ROBERT REID: Not being a medical man I cannot say that; but I have already said in answer to (*a*) (*i*) and (*c*) that the reports indicate that his health is not quite normal.

Babu SATISH CHANDRA RAY CHOWDHURY: Are the recommendations of the doctors, as stated in answer (*a*) (*ii*), being carried out with regard to treatment and place of residence?

The Hon'ble Sir ROBERT REID: Yes, they are.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state the reasons for his refusing to move the Government of India for his release at an early date or his trial before an open court of law?

The Hon'ble Sir ROBERT REID: No, Sir; it is not in the public interest to do either.

Mr. P. BANERJI: Is it in the public interest or in the interest of public servants?

Mr. PRESIDENT: That is no question, Mr. Banerji.

Mr. P. BANERJI: Is it the intention of the Hon'ble Member to allow him to sink slowly at Kurseong?

Mr. PRESIDENT: That is not a *bona fide* request for information.

Police Officer, Ramgati police-station.

***22. Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) how long Mr. Dwarika Nath Dutta, the present officer in charge of Ramgati police-station in the district of Noakhali, is in the present station;

(*ii*) how many ezahars were lodged during the tenure of his service there;

(*iii*) how many of such ezahars were discharged;

(*iv*) how many were sent up for trial;

(*v*) how many were acquitted;

(*vi*) how many were declared false; and

(*vii*) what was the cost incurred in each?

(*b*) Will the Hon'ble Member be pleased to state whether it is a fact that the number of acquittals is greater than that of the convictions?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether legal opinion were taken before launching those prosecutions?

(*d*) Will the Hon'ble Member be pleased to state with reference to the judgments delivered, one by Mr. A. M. H. Haider, Magistrate, first class, of Noakhali, on the 31st September, 1936 (Emperor *versus* Afazuddin Ahmed, under section 406, Indian Penal Code), and another by Mr. Md. Taher, Magistrate, 2nd class, Noakhali, under sections 379/147, Indian Penal Code, on the 17th October, 1936, whether the said officer-in-charge admitted during the course of his cross-examination in three different criminal cases, that he supported the candidature of Abdur Rashid Howladar, Nishi Mahajan and others' party during the last local and union board elections, because they were honest?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) whether Haji Afazuddin Ahmed, President of the Union Board No. 5, police-station Ramgati, in the district of Noakhali, was granted two certificates of distinction, one in the year of 1932 and the other in the year 1934;

(*ii*) whether any petition was submitted by the defence alleging that attempts were being made by the Khas Mahal staff to influence the defence witness in the case under sections 379/147, Indian Penal Code (Abdur Rashid Howladar *versus* Dr. Majibal Haque and seventeen others); and

(*iii*) whether any action has been taken or is proposed to be taken against the officers concerned?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) Since 26th May, 1934.

(*ii*) 87 up to 31st October, 1936.

(*iii*) Charge-sheet was not submitted in 40 cases.

(*iv*) 47.

(*v*) 21.

(*vi*) 3. (This is included in the figure 21 above.)

(*vii*) It is not possible to calculate the cost.

(*b*) No.

(*c*) Does not arise.

(*d*) No.

(*e*) (*i*) to (*iii*) Do not arise.

Malaria and carnivorous fish.

*33. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that in some parts of America and other countries the introduction, cultivation and preservation of carnivorous fishes have checked to a considerable extent the growth and spread of the malaria-carrier anopheles?

(*b*) What steps, if any, have been taken by the Government for encouraging the cultivation and preservation of indigenous carnivorous fishes?

(*c*) What steps, if any, have been taken by the Government to introduce in the province carnivorous fishes from America and other places?

(*d*) Is the Hon'ble Minister also aware that the carnivorous fishes of America and certain other countries have been proved to be better destroyers of anopheles larvæ than any species of the indigenous fishes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Government are advised that under restricted conditions such carnivorous species as "Millions" or "Gambusia" have proved to be of some use in certain countries.

(*b*) No special steps for the cultivation and preservation of carnivorous fish have been taken. Indigenous carnivorous fish, some of which are known to be larvicidal, are present in almost every watery area in this province. Panchax (Techoke), the most useful amongst the known indigenous larvicidal fish is not edible. Larger species of carnivorous fishes such as Boal, Cheetal, etc., on the other hand, prey on the useful larvicidal species such as Panchax.

(*c*) Government are advised that the introduction of foreign species is not necessary. An experiment was made with a view to introducing the "Gambusia" species but it did not thrive.

(*d*) No. The late Dr. Chowdhuri (1909) and Colonel Fry (1912) recorded the view that "Gambusia" is in no way superior to the indigenous Panchax.

Rai Bahadur SATYA KINKAR SAHANA: Is the Hon'ble Minister aware that Panchax (Techoke) fish is becoming very rare in the province?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir; I am not aware of that.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state what Government have done for the propagation of the Panchak or Techoke fish?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is hardly any information in possession of Government to necessitate any action being taken.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state where the experiment was made to introduce the Gambusia species?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice of that question.

Bankura and the Rural Primary Education Act.

*34. **Rai Bahadur SATYA KINKAR SAHANA:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether the Rural Primary Education Act, 1930, or any part of it has been given effect to in the Bankura district;

(*ii*) whether any School Board has been formed in the said district following the optional scheme framed by Government under the Act;

(*iii*) whether the number of students both boys and girls in the said district has increased; and

(*iv*) whether there are any primary schools exclusively for girls? If not, why not?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*i*) and (*ii*) No.

(*iii*) and (*iv*) Yes.

Rainfall in Vishnupur.

*35. **Rai Bahadur SATYA KINKAR SAHANA:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) the amount in inches of rainfall in the Vishnupur subdivision of the Bankura district;

(*ii*) whether the rainfall in the said subdivision this year is above normal;

(*iii*) if so, by how many inches; and

(*iv*) whether a chart of rainfall for Vishnupur is regularly maintained?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) 60·37 inches from January to October, 1936.

(*ii*) Yes.

(*iii*) 7·26 inches.

(*iv*) No.

Mymensingh-Madhupur-Tangail Road.

*36. **Rai Bahadur RAM DEV CHOKHANY:** Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what progress has been made with the scheme for improving the existing Mymensingh-Madhupur-Tangail Road; and

(*ii*) within what time the work is likely to be completed?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) and (*ii*) The improvement of bridges between Mymensingh and Kalihati has been completed. Estimates for improving and constructing bridges between Kalihati and Tangail are under preparation. The improvement and construction of the bridges is expected to be completed by the end of 1939.

Demonstration parties under the Director of Industries.

***37. Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to say—

(*i*) how many sections of demonstration parties are there under the Director of Industries and what are the names of the sections;

(*ii*) how many parties are there under each of the sections;

(*iii*) what are the amounts spent year by year from 1930-31 to 1935-36 for Research Laboratory at Pagladanga, and the demonstration parties thereunder; and

(*iv*) what is the object of opening this scheme?

(*b*) Will the Government be pleased to lay on the table a statement in the form below?

1	2	3																	4	5
Name of section of demonstration parties under the Director of Industries, Bengal.	Name of parties of each section.	Number of parties with scales of pay of																	Number of student-for full course of Industrial Govt. training up till now in the Research Laboratory, Pagladanga.	Number of students under training in the Industrial Research Laboratory, Pagladanga.
		Supervisor.			Skilled operatives			Workmen.			Fitters.			Mistries.			Boy assistant's.				
		Hindu.	Muhammadan.	Pay.	Hindu.	Muhammadan.	Pay	Hindu.	Muhammadan.	Pay	Hindu	Muhammadan.	Pay.	Hindu	Muhammadan	Pay	Hindu.	Muhammadan	Pay.		

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (*a*) (*i*) to (*iii*) A statement furnishing the information asked for is laid on the Library table.

(*iv*) The object of these demonstrations is to give the unemployed middle class young men an opportunity to be trained in new and improved processes of manufacture applicable to the more important cottage industries of the province brought under such demonstrations.

(*b*) A statement is laid on the Library table.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether these appointments are of a permanent nature or temporary?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I think they are temporary.

Mr. P. BANERJI: For how many years are these persons to be employed?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: These are all temporary appointments with year-to-year sanction. It is an experiment that we are making now, and it will be for the future Government to decide whether these posts should be made permanent or not.

Mr. P. BANERJI: Is there any stipulation in these appointments as to the period of their existence?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I have already stated, Sir, that they are on a temporary basis with year-to-year sanction.

Mr. SHANTI SHEKHARESWAR RAY: Are these temporary men being employed to train the detenus too?

The Hon'ble Nawab Sir MDHIUDDIN FAROQUI, of Ratanpur: The staff for training the detenus is a separate establishment altogether.

Short notice question.

Mr. S. M. BOSE: With your permission, Sir, I beg to put this short notice question:—

(1) Will the Hon'ble Minister for Education be pleased to state whether the offices of the Vice-Chancellor of the Dacca University and of the Chairman of the Dacca Board of Intermediate and Secondary Education have in the past been held by the same person?

(2) Will the Hon'ble Minister be pleased to state who has been appointed to hold charge of the office of Chairman of the Board and when?

(3) If the acting Vice-Chancellor has not been so appointed, will the Hon'ble Minister be pleased to state the reasons for this departure from the usual practice?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The answer to question No. (1) is "Yes."

No. (2)—The Inspector of Schools, Dacca Division, has been appointed to act by order, dated the 13th November, 1936.

No. (3)—The selection of the acting incumbent in the office of the Chairman of the Board was made for reasons of administrative convenience.

As regards the acting Vice-Chancellorship, I am, by the courtesy of His Excellency the Chancellor, authorised to state that the appointment of Mr. K. Shahabuddin under section 10 (2) of the Act with the designation of "Acting Vice-Chancellor" was made for similar reasons. I am further authorised to state that the course previously followed in certain instances of appointing to act as Vice-Chancellor the Registrar who could have combined both offices had been rendered impracticable for the absence on leave of the permanent Registrar, and the selection of the Treasurer to discharge the administrative functions for the period of a month before the Vice-Chancellor's return to duty commended itself to His Excellency the Chancellor as satisfying the requirements of the actual vacancy and at the same time avoiding in appearance of prejudicing the ultimate selection for the post of Vice-Chancellor when it becomes vacant at a somewhat later date.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Minister be pleased to state whether Mr. Shahabuddin was appointed as acting Vice-Chancellor on the advice of the Hon'ble Minister?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have given a complete answer in my reply to the short notice question of Mr. S. M. Bose, and I have nothing further to add.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Grant to the union board dispensaries.

11. Maulvi ABI ABDULLA KHAN: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether it is a fact that many union boards are not in a position to pay the recurring costs of dispensaries established with the Silver Jubilee Fund?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of making an annual grant of at least Rs. 200 to each of such union board dispensaries as are referred to in (*a*)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) From enquiries now made it appears that only in the districts of Jessore, Pabna and Bakarganj the union boards have established a few dispensaries, a part of only the capital cost of which was met from the local share of the Silver Jubilee Fund. These dispensaries were not established with the previous approval of Government nor has any representation regarding a grant towards the maintenance of these dispensaries been received by Government.

(*b*) Does not arise.

Secretary to the Intermediate and Secondary Education Board of Dacca.

12, 13. Maulvi HASSAN ALI and Maulvi NURAL ABSAR CHOUDHURY: (*a*) Is the Hon'ble Minister in charge of the Education Department aware—

(*i*) that the post of the Secretary to the Intermediate and Secondary Education Board of Dacca was advertised in April last;

(*ii*) that applications were received for the same;

(*iii*) that the post has not yet been permanently filled up?

(*b*) Will the Hon'ble Minister be pleased to state whether the gentleman officiating possesses the requisite qualifications?

(*c*) Will the Hon'ble Minister be pleased to state whether the knowledge of Arabic or Persian along with an idea of Islamic education in Bengal is a requisite qualification for the post?

(*d*) Are the Government considering the desirability of appointing immediately a suitable Secretary for the Board?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*), (*ii*) and (*iii*) Yes.

(*b*) As an appointment on a temporary basis had to be made in order to carry on the duties of the office, the question does not arise.

(*c*) The post was advertised as one for candidates with a knowledge of Arabic or Persian.

(*d*) The permanent appointment will be made as soon as practicable.

Trisbigha station (East Indian Railway).

14. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to lay on the table the representations received in favour of changing the name of the Trisbigha station on the East Indian Railway to "Saptagram"?

(*b*) Is it a fact that the Railway Agent has declined to accept the proposal on the ground that there is a station named "Saptagram" on the Eastern Bengal Railway at a distance of 336 miles from Sealdah and that confusions would result owing to similarity of names?

(*c*) Is the Hon'ble Member aware that several stations with same and similar names are already existing as quoted in those representations without any confusion whatever?

(*d*) Is it not a fact that the names of several stations on the East Indian Railway have lately been altered and that these changes in the names have not caused any inconvenience?

(*e*) Are the Government considering the desirability of taking necessary steps for associating the existing "Trisbigha" station with the same name of "Saptagram"?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) A representation, dated the 1st January, 1936, from the President, All-Bengal Subarnabanik Conference was received by the Agent, East Indian Railway. A copy of this representation is placed on the Library table.

No representations on this subject have been received by Government.

(*b*) Yes.

(*c*) and (*d*) No.

(*e*) No. A suitable note on the subject (copy placed on the Library table) has been inserted in the current Time and Fare table of the East Indian Railway at page 252.

Hooghly-Chinsura Municipality.

15. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table the representations received praying for an increase in the number of seats in the Hooghly-Chinsura Municipality?

(*b*) Is it a fact that the Commissioners of the municipality moved the Government before the Bengal Municipal Act, 1932, came into

force, to give effect to the proposal for increasing the seats and for their re-distribution having regard to the number of voters, amount of annual demand, etc., for each ward?

(*c*) What are the reasons for which the proposals were not given effect to?

(*d*) Is it a fact that the Hon'ble Minister declined to give effect to the proposals on the ground that the *status quo* could not be changed in the first general election under the Bengal Municipal Act, 1932?

(*e*) Will the Hon'ble Minister be pleased to state whether the *status quo* of any other municipality in Bengal was changed and the number of seats altered in the first general election under the Act of 1932?

(*f*) Is the Hon'ble Minister considering the desirability of giving effect to the proposals already made in regard to the Hooghly-Chinsura Municipality in the next general election?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) No representation was received by Government. The Municipal Commissioners passed a resolution on the 21st January, 1936, after the Bengal Municipal Act, 1932, came into force, proposing an increase in the number of commissioners; but on the advice of the Divisional Commissioner they decided subsequently not to press their proposal.

(*c*) Does not arise.

(*d*) and (*e*) As Government were anxious that all municipalities should, in their own interest, be reconstituted as soon as possible on the basis of the wider franchise with a larger proportion of elected members provided for by the new Act, it was considered desirable to expedite their reconstitution by maintaining the *status quo* in regard to the number of Municipal Commissioners and the existing boundaries of municipalities and wards as far as possible. This general rule was departed from in only a few cases for exceptional local reasons.

(*f*) As already explained, the Municipal Commissioners themselves withdrew their original proposal for increase in the number of seats on the advice of the Divisional Commissioner. If the municipality makes any fresh proposal, Government will be prepared to consider it.

Howrah-Sheakhala Road.

16. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state how the matter in connection with the scheme for the improvement of the Howrah-Sheakhala (Old Benares Road) Road stands at present?

(*b*) Have the Government examined the project and received the reports of the Special Officer and the railways concerned?

(*c*) Has the Government decided to improve the road on the undertaking given by the Hooghly District Board to maintain the road when improved?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) On the advice of the Board of Communications the scheme is being examined from the point of view of competition with railways.

(*b*) A report has been received from the Special Officer, Road Development Projects, but the opinion of the Howrah-Sheakhala Railway is being awaited.

(*c*) No decision can be reached until the opinion of the Howrah-Sheakhala Railway has been received and considered by Government and the Board of Communications.

Howrah-Katwa-Kandi Road.

17. Rai Bahadur SATISH CHANDRA MUKHER the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state the present position of the project of the Howrah-Katwa-Kandi Road?

(*b*) Has the matter advanced in any way?

(*c*) Will the Hon'ble Minister be pleased to state when it is likely that the project will materialise?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) On the advice of the Board of Communications Government have already approved the project for the construction of a trunk road from Memari to Kandi which has been included in the skeleton system of trunk roads for this province subject to the approval of the Government of India. The proposal for the improvement of the section between Howrah and Memari is being further examined from the point of view of competition with the railways.

(*c*) The opinion of the railways concerned has been invited by Government and a final decision cannot be reached until their opinion has been received and considered.

Imperial Trunk Road.

18. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the project of the Imperial Trunk Road from the Grand Trunk Road near about Mankar in the district of Burdwan and through Bolpur, Suri and Dumka has been considered by the Government of Bengal?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government have decided to sanction or modify the same?

(*c*) If it has been decided to modify the project, will the Hon'ble Minister be pleased to state in what way the project is to be modified?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) No.

(*b*) and (*c*) Do not arise.

Muslim ministerial officers in the office of the Commissioner and Deputy Commissioner at Jalpaiguri.

19. Maulvi MAHAMED SADEQUE: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement, showing—

(*i*) the number and percentage of Muslim ministerial officers in the office of Commissioner and Deputy Commissioner (including mufassal and khasmahal establishments) in the district of Jalpaiguri;

(*ii*) how many vacancies occurred during the last three years;

(*iii*) how many of those vacancies were filled up by Muslims;

(*iv*) how many vacancies were caused by the death, retirement, or otherwise of the Muslim officers; and

(*v*) how many of the vacancies referred to in (*iv*) were filled up by the Muslims?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) (*a*) Number—40, including one temporary clerk; and (*b*) percentage—Commissioner's office—34·28; Deputy Commissioner's office and subordinate offices—35;

(*ii*) (*a*) Commissioner's office—5, *plus* one temporary vacancy; and (*b*) Deputy Commissioner's office and subordinate offices—6 upper division and 11 lower division;

(*iii*) (*a*) Commissioner's office—2; and (*b*) Deputy Commissioner's office—1;

(*iv*) One.

(*v*) One.

Maulvi MAHAMED SADEQUE: Were the vacancies advertised?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Inundated villages in the Pingla police-station (Midnapore).

20. Rai Bahadur JOGESH CHANDRA SEN: (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that more than 20 villages, namely, Beluria, Baghanbarh, Barisa, Narangdighi, Jalchak, etc., in the Pingla thana, of the Midnapore district are under water;

(*ii*) that in the fields, at places, the water stands 5 to 6 feet deep;

(*iii*) that there is no outlet for the accumulated rain water;

(*iv*) that one of the sluices of the Panchatoa and Kaliaghye rivers does not function and at the mouth of the river Panchatoa near Sridharpur, silting of *char* has taken place, stopping up the flow of the water; and

(*v*) that as a result of this stagnation of water besides destruction of standing crops the people of the locality have been subjected to attacks of malaria and other fell diseases?

(*b*) Is the Hon'ble Member considering the desirability of enquiring into this state of affairs in the locality and making necessary arrangements for the draining-out of the water?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) and (*ii*) Owing to the early and vigorous monsoon this year some low lying fields in Narangdighi, Lechua and a few adjoining *mauzas* were submerged. The maximum depth of water on the fields from 3 feet to 3½ feet. At the beginning of November the depth of such submergence was from 1 foot to 1½ feet.

(*iii*) Drainage is provided *via* the Barisa and Ranichak sluices into the Panchthubi *khal* which discharges into the Kaliaghye river.

(*iv*) The Barisa sluice remained flood-locked for a considerable period owing to the high-water level in the Panchthubi *khal* following heavy rainfall. Silting has undoubtedly occurred due to the tidal spill of the river having been cut off by the *zemindary* marginal bunds and circuit bunds. If the people wish to reclaim their lands prematurely by bunds then siltation in the tidal rivers and *khals* must inevitably occur, and it is due to such siltation combined with the heavy rainfall that the drainage run-off has been unsatisfactory.

(*v*) In most of the low areas where broadcast paddy was submerged owing to early and heavy rainfall *kharif* paddy has been transplanted. The areas mentioned are malarious.

(*b*) Owing to the high flood levels in the Kaliaghye and Cossye rivers the drainage of the low areas *via* Panchthubi *khal* is held up, but the drainage recommences when the water levels in the main rivers fall.

The evil is all due to the construction of marginal and circuit embankments as a result of which the river-bed silts and its water-levels rise until they are higher than the lands behind the embankments. The remedy is either to abolish the embankments and restore tidal spill and so raise the level of the lands or to install an expensive pumping system. In the existing circumstances neither of these remedies is possible and so the drainage is often delayed by high water level in the river. The question of some silt-clearance of the *khal* will be considered in due course but, for the reason given, it can only be a temporary expedient.

Legislation to stop "phuka" on cows.

21. Mr. KARTICK CHURN MULLICK: Will the Hon'ble Member in charge of the Police Department be pleased to state whether any action by legislation to stop the wasteful and inhuman method of *phuka* on cows practised by the *goalas* is under contemplation of the Government?

The Hon'ble Sir ROBERT REID: The existing Cruelty to Animals Acts (Bengal Act I of 1869, India Act XI of 1890 and Bengal Act I of 1920) which are now in force in Calcutta and mufassal, contain provisions for dealing with *phuka* and no further legislation on the subject is contemplated.

Rai Bahadur KESHAB CHANDRA BANERJI: How many such cases have been dealt with during the last three years?

The Hon'ble Sir ROBERT REID: I am not quite clear, Sir, and I must ask for notice of that question.

Introduction of Free Primary Education in Chittagong.

22. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the free primary education is to be introduced in the district of Chittagong next year?

(*b*) Will the Hon'ble Minister be pleased to state whether the resolution passed by the Education Board of Chittagong is approved?

(*c*) Is it a fact that an objection has been raised by the teachers of the primary schools of Chittagong against the introduction of the scheme as suggested by the said Board?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of urging upon the Education Board of Chittagong to modify their resolution in the light of the suggestions of the Chittagong Primary Teachers' Conference?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) No.

(*b*) Government have no information about the resolution referred to.

(*c*) and (*d*) Do not arise.

Female convicts.

23. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Political (Jails) Department be pleased to state—

(*i*) the number of females now in Bengal jails who were convicted for political crimes;

(*ii*) their academical qualifications;

(*iii*) the terms of their imprisonment;

(*iv*) the classes in which they have been placed in jail; and

(*v*) whether in any case the special tribunal recommended to the Local Government for showing clemency?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, have the Government taken any action accordingly?

(*c*) If no action has been taken on the recommendation of the special tribunal, are the Government proposing now to do so?

(*d*) Are the Government prepared to release any of these female convicts on proper safeguard?

The Hon'ble Sir ROBERT REID: The member is referred to the answers given to starred question No. 9 put by Mr. K. C. Ray Chowdhury on the 10th of this month.

Female Education.

24. Dr. NARESH CHANDRA SEN GUPTA: With reference to the speeches of the Hon'ble Minister in charge of the Education Department at the last budget session promising the investigation of the question of women's education by a Board and a special officer, will the Hon'ble Minister be pleased to state—

(*i*) whether the Board of Women's Education has begun to function;

(*ii*) whether any definite recommendations have yet been received by the Government up to date;

(*iii*) whether the Government contemplate taking any steps to develop the Bethune College in the course of the present session; and

(*iv*) whether it is in contemplation of the Government to make adequate grants-in-aid to women's secondary schools during the present session?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*i*) and (*ii*) The Board has been constituted very recently and it has not yet been possible for it to make any recommendations.

(*iii*) The contemplated development cannot be effected within this session.

(*iv*) No.

NON-OFFICIAL MEMBERS' BUSINESS

RESOLUTIONS

on matters of general public interest.

Babu SATISH CHANDRA RAY CHOWDHURY: I beg to move that this Council recommends to the Government the early release of all persons detained without trial on suspicion under the Bengal Criminal Law Amendment Act, the Bengal Suppression of Terrorist Outrages Act or under any other Acts of similar character.

Mr. President, Sir, before we part company with the old régime—a régime of broken pledges, a régime of ruthless repression of youth and its aspirations in Bengal, a régime of rule by Draconian laws in which the press and the platform ceased to reflect public opinion and public feelings, a régime of unchecked riots and loot, of unbridled license to the police, a régime in which the prosecutor, the judge and the jury have been rolled into one and justice administered not according to law, equity and good conscience but according to confidential circulars and dictates of prudence, a régime in which the liberty of citizens and human liberty in all its phases were at the lowest ebb known in history—in short a régime reminiscent of the darkest days of Czarist rule before the Red Revolution which tore away the weeds and tares of vested interests in that most wonderful human garden known as Russia—before we part with such a glorious period of British rule in Bengal and before the new régime with all its uncertainties is rung in, let me make one serious appeal to the passing ghost of a white brown bureaucracy to undo at least a part of the mischief they have done to the youth and manhood of Bengal by confining the budding flowers of the race within prison walls and in vile detention camps infected with malaria and infested with snakes and reptiles!

Thus was Prometheus bound when he stole the fire from heaven. These youths of Bengal stole the fire, the fire of life, the fire of knowledge, the fire of freedom from that heaven of heavens where Surendranath, Tilak, Nehru, Patel, Das and Sen Gupta dwell and dwell for ever in glorious light. They stole the fire not to light their own hearths but for the nation as a whole. They are chained and confined to-day for the greatest of all crimes known to foreign overlords—the crime of patriotism—the crime of trying to liberate millions of human beings from a state of abject misery, degradation and poverty—the crime of trying to bring about a new outlook, a new social, political and economic order—a crime of which all the immortals of modern history have been guilty.

Sir, I will not try to-day to remind the dying kings of Bengal that no amount of human efforts and no amount of use of the old rusty weapon of Siberian days can prevent history from repeating itself. The liberation of 350 millions of human species cannot be indefinitely delayed by any method known to history or by any inventions even in these days of bombs and gases.

The whole nation is awaiting one spark of that fire which will galvanise the nation into activity, which will convulse and shake and transform a whole sub-continent. The method of this attainment will, I am sure, be something new, something unknown and untried yet—something based on the eternal varieties of things and not on the dangerous and self-destructive philosophy of modern Europe.

If you are so blind that you will not listen to the lessons of history, can't you at least use a little of the commodity known as common sense and try a new method of pacification at this most critical period of the history of British connection with India?

Empires have flourished and then fallen on the rock of political unwisdom. Yours will be no exception as events forecast. Can't you delay that catastrophy and smooth the way to the transformation by pacifying in a very vital matter the public mind of Bengal?

These confined young men, these men detained without trial on suspicion are drawn from every class and every interest in the country. They represent a vast number of homes of Bengal.

If there is one predominant feeling in Bengal to-day, it is about the fate of these unfortunate young men. If there is one heart-rending wail which comes from numerous breasts drowning the claims of all other topics to engage public attention, it relates to these detenus. Until this question is solved, until these detenus are released, the Bengal public will not be in a mood to listen to any adviser—be he the Commissioner of a Division singing the praise and the chapus of the Reforms or be he an all-India leader like Pandit Jahawarlal Nehru

seeking to concentrate public attention on other issues. The only other topic which holds the field to-day in Bengal along with the question of detenus is the great topic of the communal award by which the body politic of Bengal has been torn limb by limb and then loosely stitched together—an inert and lifeless mass. Strangely enough the Government is determined to muddle through both the problems. I do not make the Government of Bengal responsible for the communal award. It is beyond their power to undo the same. But not so with regard to the qustion of the detenus. Even the release of Srijut Subhas Chandra Bose whose detention is the greatest sore in the heart of Bengal awaits only the approval of the Government of Bengal. Release Subhas, release the detenus or else Bengal will throw back the constitution to your face!

Mr. Butler, the Under Secretary of State for India, declared only the other day that they wanted to make the conditions and working of election as favourable as possible. The surest way of creating favourable conditions is to pacify the public mind and remove all causes of irritation. Is there a greater cause of irritation and greater source of public discontent than this? Will you have the courage and the wisdom to remove it and pave the way for a dispassionate consideration of the entire political situation by both sides? This does not involve the abolition of the repressive laws which will always be available in emergencies.

Reason, common sense and political wisdom, all demand that you should use this psychological moment to undo a great wrong done and to ensure a smooth future.

I will not repeat here the grievances of the detenus nor shall I dilate on the injustice and unfairness of putting people under duress and detain them indefinitely without trial. These have been repeated *ad nauseum*.

Can you conceive of a greater inequity than the confinement of persons like Subodh Chandra Mitra of Noakhali, a boy of extraordinary merits who passed the I.A., B.A. and M.A. Examinations during his past five yars' detention in Deoli and who was arrested in connection with the Manicktola dacoity? His co-accused who were convicted and sentenced to 3 years' rigorous imprisonment are now free citizens after serving the periods, but Subodh against whom there was no evidence on which to place him on trial is still rotting in duress vile. His father anxious to get him married and settle him in life has offered to submit to any conditions only to get a negative reply.

Can you conceive of a more atrocious rule than that which requires a detenu to make a confession even after years of detention as a condition of his release even though he may have completely changed his

outlook in the meantime? The psychology of confession involving others is the psychology of a saint or a devil. You will not allow any species to exist between these extremes.

Men acquitted by courts of justice have been immediately arrested and are being detained indefinitely. What is a greater mockery of your own system of justice? Why then the farce of a trial?

The very utterance of the name Deoli—the Bastille of the twentieth century where only suicide relieves harrowing misery of exiled existence —strikes terror into the heart of every mother in Bengal and stains the loyalty of the most ardent loyalist. Why this Siberia in the very heart of Aryabartha? Are the walls of Bengal prison so thin and transparent that they cannot hide from public view the shame, the misery, the degradation and despair of these victims of despotism?

The conditions of these detentions are such as to deprave the victims both physically and morally, leading them at times to escape by committing suicide under most tragic circumstances as in the case of Santosh Ganguly; they are such as to destroy completely the future prospects of many a young man with the most brilliant university records. The resort to this terrible weapon has been also the complete demoralisation of the Government leading the Executive to commit excesses of which any civilised man will be and ought to be ashamed. It has been the mother of political discontent of the worst type. It is time therefore for the Government to cry halt and to make one supreme effort to clear the atmosphere of the dust and cloud of suspicion which hangs so heavily to-day in Bengal. The fates of the home internees are worse in some respects. One step beyond the vague limit launches them into jail.

Here is our parting message to-day to the expiring Government of Bengal and it is offered with the best of motives and the sincerest of wishes. If you do not listen to it with a sympathetic mind, our successors will make you bend under the pressure of their demands and there will be no peace in the land until that demand is fully accepted.

With these words I move my motion and commend the same to the acceptance of the House. Let the House for once reflect the opinion of the whole country by accepting this motion. I hope no class or communal line will divide us on the most vital topic of the day.

Mr. P. BANERJI: Sir, may I draw your attention to a similar motion standing in my name down in the list of business? May I be permitted to move it at this stage?

Mr. PRESIDENT: I am afraid you cannot do that, but you can speak on Mr. Ray Chowdhury's motion if you like.

Mr. SHANTI SHEKHARESWAR RAY: Sir, this question of the release of the detenus, persons who have been detained without trial, is not a new one. We have discussed this matter in this House on several occasions during the last seven years or so. As a matter of fact, several years ago I brought forward before this House a similar motion. The attitude of the Government of Bengal on that occasion has not changed during all these years. I do not hope that the Government of Bengal will accept this resolution to-day, but at the same time I feel it my duty to the Government as well as to the people of Bengal to press once again this question of the release of the detenus. Sir, I shall not dilate on the injustice involved in the detention of persons without trial for years and years, but I would ask the Government to take a practical view of the present situation. Sir, even this Government of Bengal have been changing their ideas of administration. Who could ever dream a few years ago that the Government of Bengal would be so generous as to launch a scheme for the training of the detenus? Who could ever dream that this Government of Bengal would come forward with lakhs and lakhs of rupees to help these detenus to set up a career of usefulness after their release? We know that whenever we press for funds for a really useful scheme, whenever we press for additional grants for the Calcutta University, the reply of the Government of Bengal is that they have got no money. But, Sir, times have changed, and the Government of Bengal have now come round to the view that after all money should be no consideration in gaining over these persons whom they have detained without trial, whom they considered only the other day as so many undesirables, whom they considered to be people who should be behind the prison bars, dangerous people, dangerous to the stability of the State. I do not believe for a moment that it is the spirit of generosity that has overtaken the Government of Bengal now. I am inclined to think that the Government of Bengal are cowards at heart. They have come to realise that sooner or later all these persons have to be released, and this attempt on the part of the Government of Bengal is merely a makeshift attempt to—I shall not say "gain over" these persons to their own side—but at any rate to assuage their feelings so that they may not be vindictive later on. If you go to the length of giving these persons such facilities, why shouldn't you take a courageous view of the situation, admit your mistake, ask for their forgiveness and release them? It is no use following that policy—"গরু মেরে জুতো দান।"

Then there is another aspect of the question. Well, high authorities of Government say that they are introducing a New Constitution so as to let public opinion have the last say in the matter on the situation. They also say that they are going to give us a free election. Well, Sir, do they really think that there is going to be a free election with so many young men and leaders of young men under detention

and that detention, a detention without trial? Some of them are ex-members of this Council; some of them if they were released to-day would become future members of this legislature. Their detention is a sort of negation of free election, particularly so far as the Hindu community is concerned. We have appealed to the Government of Bengal from these benches again and again for their release and our predecessors also have done the same, but Government have turned a deaf ear to our appeals. Is it therefore the intention of Government to create such a situation in the country, that instead of this peaceful transformation in the Government, Government should pass into the hands of men dyed with blood? I say that if you do not change your policy, you must be prepared to face that contingency. I am sure, Sir, a time will come when there will be no Hindu available to occupy a seat in the Government of Bengal and perhaps a seat in the legislature if this policy of indefinite detention is not abandoned. Sir, perhaps Government are not impressed without speeches. They will perhaps be more impressed when the Congress decide that all these seats should go to persons who are now behind the prison bars, who are in detention camps, detained without trial; and the silence of these empty benches would be a reminder to the Government that the time to act has come. In the interest of good Government, and in the interest of the peace of this country, I therefore make this appeal to the present Government which will come to an end in the course of the next few months to review the situation and act courageously and act up to their promise, and let us have a really free election with these persons amidst us.

Mr. P. BANERJI: We have it from the answer given by the Hon'ble Member in charge of the Political Department that there are about 2,359 detenus—either in jails, detention camps, in village domicile or as home internees. Now, Sir, we want their release. Whenever such questions have been asked in this House Government have not been able to give satisfactory answers for the detention of these persons. The Hon'ble Member only the other day, in reply to one such questions, said that Government were not prepared to give the information asked for in that question. Government have done so times without number and their plea is that they cannot reply to such questions in the public interest.

Sir, while we press for the release of these detenus, Government always say that they are not prepared to release them. We maintain that they are honest and free from any crime and therefore you cannot detain them only on suspicion. Government have often said that they cannot bring them before a court of justice, because there is evidence before them that no person will come forward to take the risk of tendering evidence against them. But we know that there are many persons who are now giving evidence in the courts against

political prisoners who have now become approvers. So we find that there is no dearth of approvers in this country, nor any difficulty of securing evidence against these persons. Therefore this argument of Government does not stand a minute's scrutiny. What is in that policy? We note that there are three detention camps where these persons are detained and Government have told us that they are separating them, that is, they are sending them to their home for home internment or bringing them back to Bengal from Deoli and putting them in the villages. So far as I have noticed, the whole object of Government is to isolate them and to crush them, because we maintain that they are innocent persons. All that they want is to change the Government. Government, as they stand to-day, are not in the interest of the people: therefore, they want that these exploitations by the present Government in the interest of the foreigners must cease once for all. And to this the Hon'ble Member cannot give any satisfactory answer, because it is the birth-right of every man; every nation must free itself from the foreign yoke and the Hon'ble Member must admit that no foreign nation has any moral right to oppress or rule over another nation for all time to come, and history tells us that no nation has, as a matter of fact, ever ruled over another nation for all time to come. So we demand that a foreign nation has no justification to rule over us for all time to come. If it is contended that the Britishers came here to rule over us for a certain time, to educate us, and to hand over, as generous persons, the administration of this province to us, the children of the soil, if that is the view, it is time here and now that they should leave this country and leave the rein over to us. That is the only logical conclusion. Government always profess that their mission is only to educate us and afterwards to hand over the administration to us, and that is why they have introduced the new Reforms. If that is so, Sir, all hon'ble members of the Indian Civil Service should leave this Council Chamber and retire. If that is the real idea of the Government, is it not in the fitness of things and in the public interest, as they always profess, that these persons should be released? Mr. Shanti Shekhareswar Ray has said that many of these detenus were ex-members of the Legislative Council and many of them when released would come and adorn the chairs of this Council or indeed it may be that they will adorn the Treasury Bench. Who knows, Sir, that they will not? History tells us that a person who was going to be executed—I mean De Valera—is shaping the destiny of Ireland: and not that alone, Sir, for only the other day he was presiding over the deliberations of the League of Nations; he was, therefore, shaping the destiny of the whole world! History repeats itself. Who knows that people who are going to be hanged to-day by the present party in power would not sit in judgment to-morrow over the same bureaucracy who now rule over their destinies; it is quite possible, for history repeats itself. Therefore, in

fairness to the foreigners in the present Government, I say to the Britishers that they must remember that as public servants and as members of the Indian Civil Service they must leave the Council Chamber or work independently with Europeans and Bengalis alike. I would appeal to my European non-official friends to show a change of their mind, and I think it is time to show that there has been this change. If they would support this motion, it will show that there has been a change in their mentality and it will be an eye-opener to the Government. I would also ask them, as Kumar Shanti Shekhareswar Ray has done, to consider that the detenus are all our countrymen. The members of the Indian Civil Service do not care. They do not consider what is best in the interest of the fair name of the British or the British administration, as they come here not to stay permanently but for the period of their service. I therefore appeal to the independent Britishers who have come to stay in this country and have been staying here for generation after generation, and they may see that in order to preserve the fair name of the Briton it is necessary that there must be a cessation of these repressions. Sir, it is not possible for me to give details but you, Sir, will remember that if a particular member of a family manages to incur the wrath of any member of the police, the result has been that many members of that family have been externed from their homes, some being sent to the detention camps and some interned in villages. There are instances of families after families, the members of which have been oppressed. The Hon'ble Member will probably come forward with an argument that because these persons have been detained there has been no recrudescence of political crimes. My answer to that argument is that wherever there has been any murder the Hon'ble Member has always refused to enquire into the causes of the murder and has always defended the man on the spot, with the result that there has been an increase of murder. What is the reason? The reason is that there has been oppression. If you, Sir, will look at the matter—particularly of three districts, namely, Midnapore, Dacca and Chittagong—you will find that in these three districts there were repetitions of murder. Why? So far as we know, that was due to police excesses. Government refused to enquire into the police excesses, and the persons affected could not get any justice at the hands of the local authorities. The result was retaliation, and this retaliation was natural. Wherever there were excesses there were murders. I repeatedly brought this matter to the notice of Government, but Government did not take up the matter seriously. I submit, Sir, that the time has come for a change of policy not only from the Government of Bengal but also from the Government of India, and that repression must cease. There must also be a change in the mentality of the Government officials to adopt a policy of conciliation and thereby put a stop to repression. Wherever there were no excesses, there was no retaliation by the

people. Therefore, Sir, it cannot be contended for one moment that because these persons are detained there have been no murders. We have studied these incidents very carefully, and we have come to the conclusion that if the Home Member would only take a sympathetic view of the matter and release these prisoners, the result will be such that a few years hence when he will be either in the new province or he will have retired, he will come back to thank me for my advice. But I know he will be a neighbour, at the head of a neighbouring province, and he will notice if this policy is adopted, there will be peace and tranquillity in this country of Bengal and his name will come down to posterity as that of a great administrator. Sir, it is the highest duty of a man not to oppress a brother man though he may be black, brown or white. There should be no difference between man and man, and if this philosophic view is taken by the Hon'ble Member, I think much of the trouble and much of the difficulties that beset the Government will be minimised, but the question is—will the Government do it? The Hon'ble Member in charge will naturally say that it is not possible for him to do it single-handed, but there are so many mills of the Government. The only course the Hon'ble Member should adopt would be to take the responsibility of releasing 2,369 persons. Sir, as you know, Mr. S. C. Bose was at one time described as a dangerous criminal by the Home Member of the Central Government. After a few months that gentleman was released and since then a year has elapsed, and he is not considered as a dangerous individual. Therefore, I submit that whatever statement is made by the Hon'ble Member is not the statement of the Hon'ble Member himself, but the statement supplied to him by his Secretary and originally by the Intelligence Branch. Whatever these officers say is reported at once through the General Post Office to the Postmaster-General—the Hon'ble Member. Therefore, whatever is voiced by the Hon'ble Member is the statement of the Intelligence Branch. Once for all I would request the Hon'ble Member to refuse to accept whatever is placed before him to oppose this motion and he should accept whatever statement we, the members, make from this side of the House. During the long period of his service the Hon'ble Member has always relied on whatever has been stated by his subordinates and what has been the result? The result has been that things have gone from bad to worse. With these few words I support the motion and would ask the Hon'ble Member to release these persons because after all what can these 2,300 people do to the mighty British Government——

(At this stage the member, having reached the time-limit, resumed his seat.)

Babu JATINDRA NATH BASU: Sir, the question that this resolution has brought up is one in support of which there is a very considerable volume of public opinion amongst people of this country.

There is a strong feeling about the upholding of the personal liberty of the citizen. While popular opinion is not opposed to criminals being brought to justice and sentenced for their crimes, there is strong opposition to the policy under which people are arrested and kept in detention for an indefinite length of time, without an opportunity being afforded to them to clear themselves of the charges against them and to test the evidence, if any, on which they are condemned unheard. The fact that the papers relating to the persons so detained are placed before some judges is no protection, as it is well known that *ex parte* statements if not tested on behalf of the persons against whom they are made are often misleading. Under no system of modern administration is an accused person condemned without trial. It has, however, been stated that archaic practices have been resorted to to meet a special contingency, namely, the growth of the terrorist movement. It should be clear to all concerned that the terrorist movement is confined to a very few persons and is looked upon with active abhorrence by the people irrespective of class or creed. It should be clear to even a superficial observer that if the terrorist movement had popular backing even to a very limited extent, things would probably have been different. But, fortunately, the detestation in which terrorism is held by the people generally, and the attitude of the people towards terrorists have resulted in confining terrorism within a very small compass and the extinction of it from likely fields. The attitude of the people in their everyday life, in their homes and in the institutions, educational and otherwise, over which they have full control have been far more effective than any action on the part of Government. The action of the Government in overriding ordinary legal methods, which have stood the test in difficult circumstances such as the Indian Mutiny, have done harm to an extent which unfortunately is not fully appreciated. By detaining without trial a single individual you antagonise not only his relations, but the village or town in which he resides, and the disaffection gradually spreads over the whole country. Those that have examined the growth of the terrorist movement know that while in 1907 or 1908, the number of those in sympathy with the movement could be counted almost on one's fingers, now after more than a quarter of a century of repressive legislation and repressive administration, you may count them by hundreds. Disaffection has now spread wide. Government has taken one repressive step after another. Superficially, there has been an atmosphere of quiet for one, two or three years. But nothing has been done to prevent the feeling of disaffection spreading deeper.

The public mind has been deeply moved by the reports of cases of suicides that have been occurring amongst detained persons. Detention of young persons without trial for an indefinite length of time cannot but tend to unhinge their minds. The public cannot but remember that highly respected leaders like Mr. Krishna Kumar Mitter and

the late Mr. Aswini Kumar Dutta, though fully innocent, were detained by Government without trial. The public are emphatic in their demand that either detained persons should be brought to trial or they should be released.

In the interests of all concerned it is necessary that this great act of justice should be done without delay.

Mr. K. C. RAY CHOWDHURY: Sir, I am sorry I was not here when the mover of the resolution made his speech, but I heard our friend Kumar Shanti Shekhareswar Ray to make some remarks that the release of these political prisoners is warranted by the elections that would be held soon. I think, Sir, that there is no bar to detenus standing for election, and I know that Mr. Subhas Chandra Bose is standing as a candidate for election. Secondly, facilities will be afforded to the detenus for voting. Therefore, I would confine myself in answer to his argument by stating that the release of these political prisoners is not warranted in view of the coming elections. It may be that they cannot participate in political movements, but I think that they can stand as candidates and participate in the elections by exercising their franchise. I do not see, therefore, what difference there is if they cannot participate in political movements when they can stand as candidates in elections.

Mr. B. C. CHATTERJEE: We have heard a good many speeches inside and outside this Council on this burning topic of the hour. Englishmen very naturally feel that we do not seem to think of those Britons who have met their death at the hands of assassins, and that if we thought of them or looked at the matter from their point of view, we would not clamour for the release of the men detained without trial. Now, I venture to say, and in fact I say with confidence, that there is no Indian worth the name but will bare his head in remembrance of the men, in reverence for the men, who have fallen doing their duty by India and England. We feel for them quite as keenly as any of their own countrymen. But the reason why we protest against the detention, this indefinite, continuous detention, of these men without trial is that you cannot bring any evidence before a court of law presided over by judges—may be your own countrymen—to prove any connection between the men detained and those acts of assassination. If you could, we would like nothing better than that you should bring these men to book with the aid of the evidence you have. It is no good saying that you have evidence, that Government have evidence, but that it is evidence that cannot see the light of day. No evidence, as we understand the word in its English signification, is worth the name that has not been tested by cross-examination; and unless the evidence on which Government have acted in detaining

these men can stand the scrutiny of such examination, I submit that in spite of our real grief for those who have fallen, fallen so tragically, we could not possibly justify the detention of men without trial on the mere suspicion of those agents of Government who bring information to them. That is the reason. It is not because we are not mindful of the tragedies that have happened, but it is because we feel we do not in any way remedy such tragedies, nor do you in any way make us feel that you are really acting in prevention of such events by keeping these men shut up in various places without giving them a chance of clearing their character before a tribunal governed by law. Just as one feels for these fallen men, should you not also think of the wives, daughters and mothers of these detenus who have kept shedding unavailing tears from year's end to year's end in the silent corners of their homes? I appeal to the Hon'ble Home Member to think of them.

Then if you look into the matter a little more closely you will find one special circumstance in the present political atmosphere of India. It is this: that no responsible leader of public opinion is in favour of violence. Mr. Gandhi's whole ideal, as it is preached and lived by him, is the very negation of the idea of violence. Pandit Jawaharlal Nehru has set his face definitely and publicly against violence. As I said yesterday, even the communist party does not advocate violence. Just contrast the present time with the time when we were young. I was writing in those days for the *Bandemataram* in association with a great man who is now in Pondicherry; others wrote even more serious stuff in the columns of *Yugantar;* then there was actual advocacy of violence, but at the present moment all leaders of Indian opinion without distinction are against violence. That is to say that there is now a political atmosphere in India in which you can let these men out without fear that their release will mean a reincitement of them to violence. Violence does not exist in the present political atmosphere of India. Therefore, there should be no fear in releasing them now.

In the next place I am not speaking without my book—I am one of those who has always believed in a generous measure of amnesty. In the years right back, in the years 1914-15, I used to advocate the grant of amnesty to the political prisoners of the time. People used to scoff at me; the police thought me a lunatic; but there were two great, high-souled Englishmen who manfully stood up for the view I then ventured to put before them—Sir Lawrence Jenkins and Lord Carmichael. Later on came Lord Zetland—then Lord Ronaldshay—who, too, had the bigness of heart to sympathise with my ideal. The Hon'ble Home Member sitting opposite myself was then even younger than he is now, in fact just a youngman in the service. I had the privilege of putting my suggestion before Mr. Montagu himself in 1918, who too was wonderfully sympathetic. I see he has left a

note of my interview with him in his memoirs. And in the end we had the famous Declaration of Amnesty by King George V in language whose generosity has never been exceeded. He proclaimed his pardon not only to detenus and deportees, but also to "those who in their eagerness for political progress had broken the law." There could not be a more generously conceived amnesty. I refuse to believe that the present Home Member is different in spirit and in sympathy from the men who brought about the amnesty of 1919. I know that the Hon'ble Member wears behind his shirt front stiffened with bureaucratic starch a very human heart and since the days of bureaucracy are coming to an end, the bureaucratic starch must be off the political shirt fronts of the Hon'ble Member and his colleagues. They had better lay bare their human hearts. I know also that there is an officer serving under the Hon'ble Member, Mr. Blair, who is exceedingly human, and we all know so is His Excellency Sir John Anderson. With these three Britons co-operating on the side of an amnesty, the amnesty would be bound to come; and I venture to state there is no reason why they should not follow the precedent of 1919, and inaugurate the new promised order in an atmosphere of contentment and peace. An atmosphere in which the Britisher will have the courage to say to the Indian: "I have given you Reforms that I believe will put an end to all revolutionary tendencies." Surely, you British people, if you believe in the Reforms you are inaugurating, if you believe that they are going to introduce a new heaven and a new earth into Bengal, then have the courage of your conviction, and let these detenus come out, and let them have a chance of sharing the privileges that you are going to introduce by the new political order. Do not shut them out.

In the next place, I should really like to know how the Ministers could possibly carry on from that side of the House after the new order had got going, if they find 2,000 of their countrymen shut up, and from day to day questions are put about them by members on the other side. No Ministry would last a week if the Minister had to take upon himself the responsibility of detaining these men and of saying that they must be kept in detention. Should you not let them tackle their problems in their own way after the new order of things comes into being? That is only fair. Why compel the Ministers of a democratic Government to be bound by methods appropriate to the bureaucracy? It is not fair to either. You are introducing something which is entirely different from the system of Government going on now. The Ministers will have to make law with the consent of the people. But the Hon'ble the Home Member makes law with only the consent of his subordinates who carry out his order to get a Bill passed through the Council and made into law. But there will be no official *bloc* in ministerial days; and I do hope our non-official English friends

will also change their methods, and not just remain hitched to the car of Government as at present. I hope they will have an opinion of their own. But in any case how could the present Government expect any Minister who will represent the people to carry on with these 2,000 men inside the jail? It is not possible. You cannot have Democracy and Bureaucracy conterminously. Either carry on as at present, and perish the Reforms, or if you want Democracy, let them out. Let the Ministers have their chance.

That is the broad principle that I place before you. You cannot have Democracy and Bureaucracy together.

I would lastly ask the House to consider what would be the position of a Minister who would have to justify the detention of people without trial. Here in Bengal, if a Minister has to go out with policemen in front and policemen behind, he will cease to be regarded as a Minister, and will begin to be styled a monster, as I said the other day. I beg the Hon'ble Home Member and I beg his Government to follow the precedent of 1919, a precedent which has behind it the personality of one of the greatest of Englishmen, King George V.

Babu KISHORI MOHAN CHAUDHURI: Sir, I beg to support the motion. A calm atmosphere ought to be established when a new régime is going to take charge of the administration. To our mind there is no reason why these persons should be detained only upon suspicion. No open trial was made for justifying the action of the bureaucracy. We repeatedly urged that there would not be a fall of the British Government on account of the action of two thousand men. At times their number was more, and even then we said that there was no such danger and that the Government were not justified in detaining those persons without trial. This is the last occasion when we have got our say in this Council. We do not know what policy will be adopted by the new Council, but when a national Government is coming into existence, it is but fair and just that so many persons—though two thousand young men out of four or five crores of people is a mere drop in the ocean—should not be detained without trial for the safety of the British Government. It is a mockery to think that there is any such danger. In accordance with the policy that has now been adopted, about 98 of these detenus have been selected and trained for a year in a special school provided for them. It is now considered safe to release them, and it has also been decided to advance a pretty large amount of money for their help so that they may be useful members of society. There is also a proposal that another batch of 100 or 200 detenus would be trained in this special institution and funds would be provided for their future life. If that is so, then where is the danger? If these 100 men could now be released without any danger, then why could they

not be trusted some time before? Is it due to the special training they have got in the special institution provided for them that it is considered safe to release them? I whole-heartedly join in the appeal so eloquently made by my friend on the other side, and I think there is no real danger at all and it is not proper that these men should be detained. In 1919 when Harkissen Lal was released from the prison—he was then in the Andamans, I believe—he was made a Minister. In the same way why should not Mr. Subhas Chandra Bose be released and made one of the Ministers under the New Constitution? If in the year 1919 Harkissen Lal could be entrusted with a ministerial portfolio in the administration of the country, would it not be safe and proper to release Mr. Subhas Chandra Bose, a thoroughly trusted man and in whom there is every confidence of the people and who would adorn any position in which he might be placed, and make him a Minister? So, we appeal in the interest of the country as well as in the interest of the Government that these detenus should be set at liberty. If there is any real danger, the police will be there, and the new Ministers will be quite able to put them into prison again, if necessary. Our point is that there is no such danger or necessity. Government should seriously consider whether the material supplied by the police is sufficient proof to justify the detention of these persons. This is the last occasion when we have got an opportunity of saying openly what we have got to say, and we urge upon the Government not to put any difficulty in the way of the new Ministers as they will no doubt find it very difficult to take any step at once for the release of these persons against the wishes of the bureaucracy or the Police Department. But if they are now set at liberty and then later on in any way found untrustworthy, the future Government will be able to take any step that may be thought necessary against them. With these words I support the motion of my friend Mr. Satish Chandra Ray Chowdhury.

MUNINDRA DEB RAI MAHASAI: Sir, I join in the appeal which has been so ably made by my esteemed friend Mr. B. C. Chatterjee to the Home Member and to Sir John Woodhead to consider the case of the detenus who have been detained without trial for an indefinite period. It may be said that we are making this appeal on the eve of the election as an electioneering campaign. But that is not the case. The New Constitution which will come into existence a few months hence will no doubt require an atmosphere of peace and contentment in order to be a success, and I hope this appeal of my friend will not fall on deaf ears. His Excellency Sir John Anderson has done something in the interest of the detenus. He has provided them with training in small industries and also in agriculture, and this Council has been asked to provide funds for the purpose of advancing loans to the detenus. This is no doubt a move in the right direction, and we are thankful to His

Excellency for what he has done. Our thanks are also due to my energetic friend Mr. S. C. Mitter who is instrumental in making the scheme a success. With these words, I whole-heartedly support the resolution moved by my friend Mr. Satish Chandra Ray Chowdhury.

The Hon'ble Sir ROBERT REID: Sir, my friend, Mr. B. C. Chatterjee, in the course of his speech, which though no doubt unintentionally is a very telling electioneering manifesto, referred to this as a burning question. Well, I venture to think that these empty benches scarcely indicate that the members of the House will agree with him. During the course of the discussion there has never been a quarter of the members present in the House the whole time.

In moving his motion, Mr. Satish Chandra Ray Chowdhury referred to the lessons of history, and that is the only phrase in his rather turgid speech to which I would refer. It is on the basis of the lessons of history that Government have framed their policy as regards the detenus. The Government of Bengal have had in the past the bitterest experience of any premature policy in the matter of releasing men who are connected with revolutionary movement. The first time when special legislation was introduced to deal with the revolutionary movement was in 1915 when the Defence of India Act was passed, and that Act was very effective in suppressing revolutionary crimes. It was followed in 1919 by the amnesty, an amnesty which, I expect many members of this House were interested to learn from Mr. Chatterjee's speech, was mainly the result of Mr. Chatterjee's influence on Sir Lawrence Jenkins, Lord Carmichael, Lord Zetland, and I am not sure if it was not His late Majesty himself as well—I may be mistaken.

Mr. B. C. CHATTERJEE: I spoke of their influence on myself and not of mine on them.

The Hon'ble Sir ROBERT REID: Possibly it was a mutual influence. Anyhow, what I wanted to say is this, that there was this amnesty in 1919; by 1922 all those men who were put under detention under the Defence of India Act were released. No sooner were they released, than the revolutionaries started again refurbishing their arms, and in 1924 when Lord Lytton was Governor of this province, things were in such a state that an Ordinance was promulgated by the Governor General which contained more or less the provisions of the present Bengal Criminal Law (Amendment) Act. A Bill to replace that Ordinance was brought before the Bengal Legislative Council; it was, however, thrown out and had to be certified. That Act of 1925 remained in force until 1929 and in the meanwhile all those who were under detention had been let out. What was the result? Exactly the same. On April 18th, 1930, there occurred the Chittagong Armoury

Raid, and I want to remind the members of this House a little of the history of these past six years. It has been a pretty anxious time and a very dangerous time, and the reason why Government are not intending to be precipitate in releasing those whom they have detained for very good reasons, is that they do not wish to have the awful events of those past six years repeated. They would be taking an unjustifiable risk if they let out all these men straightaway as they are requested to do in this resolution. They have a duty to the public and to their own officers and they would be failing in their duty if they did so. On the other hand, as everybody knows, Government are, as far as possible, releasing persons whom they believe it to be safe to release. I was glad to have one tribute at least—although I thought I was going to get one from Mr. Shanti Shekhareswar Ray also—I was glad to have one tribute from my friend over there to the scheme which Government have inaugurated for the training of detenus in industry and agriculture. That shows I think that Government are not unmindful of the duty which they also owe to these men whom they have been compelled for reasons of State and for reasons of public safety to detain, and this policy is being pursued as much as they possibly can. Government are also pursuing a policy of releasing, or putting into less severe forms of detention, those whom they believe it to be possible so to release. But beyond that they cannot go and they do not intend to go. I need hardly say that any wholesale release of detenus is at the present moment out of the question, and I do not want there to be any misunderstanding on that point.

The speeches on this resolution seem to have gone on three main lines. One is that the system is bad and unjust in law. Well, I am not saying that the system of detention without trial has much to be said in support of it on its own intrinsic merits. It has, however, a tremendous lot to be said for it on the score of its necessity and value for reasons of State and public safety. When a Government is subject to attack by a revolutionary party whose aim and object is to overthrow that Government, to overthrow all ordered system in the country, then that Government have got to take extraordinary measures to deal with the party; there is no question about that and that is what every civilised Government in the world have done in the past and will do in the future. You cannot meet these attacks by persons who are merely anxious to destroy except by unusual and exceptional means. That is the justification for this system. That it leads to unfortunate results in some cases, I quite agree, and I sympathise with the point of view that Mr. J. N. Basu voiced just now as regards the unfortunate cases which have occurred—suicide, and so on. But who are the culprits? Not the Government. The real culprits are men who have seduced these young, impressionable, emotional and sentimental boys, seduced them from reasonable ways of life and persuaded them that patriotism demands

that they should join the revolutionary movement. It is such corruptors of youth, it is men like these that are really guilty and responsible for these unfortunate occurrences. A second line of argument to-day has been—it was the main theme of Babu Kishori Mohan Chaudhuri's speech, I think—that all is quiet now, that everything in the garden is lovely and that we shall be all happy if these men are let out, and the new Ministry will come in and repose on a bed of roses! Well, I agree that things are infinitely better now than they were, and I have no hesitation in saying that Government and its subordinate officers, especially the police, can claim a great deal of the credit for this. But they do not admit that, if you release everyone of these detenus to-day —and you may take it from me now, and as a matter of fact I say quite definitely, that these men or at least some of them are extremely dangerous men while others are dangerous to a less extent—they do not admit that if you release all these men they will not be running a tremendous risk and will not be doing any service to the new Ministry. The third line centres round the points made about the new Ministry and this idea seems to run through a great many of the speeches made to-day. Well, Sir, speeches of that sort will sound very well in to-morrow's morning papers. But I am not sure if the new Ministry coming into power on the 1st April, 1937, or thereabouts would be very much benefited if all these men were let out. They would be running a great risk—a repetition of the disturbances and the general unrest that characterised this province in those years from 1930 to 1935.

There is one point which I feel I cannot let pass in Mr. P. Banerji's speech. Quite apart from his general theme which was—I am very sorry though not surprised to note it—that all these detenus are completely innocent, and that they are the sort of people whom we should be delighted to have amongst us to-day. We differ of course completely because we differ in our points of view. The point which I want to refer to is one which concerns a gross travesty of facts. Mr. Banerji referred to the three districts of Dacca, Chittagong and Midnapore and he tried to make us believe that the murders which occurred in those three districts were due to the fact that there had been police excesses there. This, I submit, is the grossest travesty of facts. Take Chittagong, for example. The first murder at Chittagong took place on the 18th April, 1930, when the Chittagong Armoury Raid occurred when at least seven Government servants were murdered in cold blood. The next murders at Chittagong took place a few days after that when innocent villagers were shot by escaping revolutionaries. To suggest that these outrages in Chittagong were the results of previous police excesses is the grossest travesty of what really occurred. Take Dacca. The first murder at Dacca was the murder in August, 1930, of the late Mr. Lowman, when at the same time Mr. Hodson was seriously injured. There were no police

excesses in Dacca before that. Take Midnapore. There were no police excesses there before the murder of Mr. Peddie in 1931. It may be said that Mr. Peddie had to take severe measures to deal with the exponents of civil disobedience in Midnapore. Yes, he did, and quite rightly too, take such measures, but to attribute his murder to police excesses or excesses by any Government servants is absolutely untrue and absolutely misleading.

There is one other isolated point which also I can hardly pass over and that is the statement made by Mr. B. C. Chatterjee which must have made us rather open our eyes in wonder—the astounding statement that the Communist Party does not advocate violence! I do not know if any one here who has read what is called the tenets of the Communist Party, which are no secret, will bear out the statement that that party does not advocate violence! The whole idea of the Communist Party is the overthrow of the whole social and economic order by violent means. Mr. Chatterjee has also referred to the Communist Party in India. Well, Sir, they take their orders from Moscow.

This is all that I have to say on this resolution. I need hardly say that Government oppose it decidedly, and I would merely reiterate that in adopting the policy that Government have adopted, they have paid very serious attention to the past history of the revolutionary movement. They have paid attention to the possibilities which might ensue if these men were prematurely released; above all, they have been actuated by a determination to endeavour to ensure to the best of their ability the peace and tranquillity of the province.

The resolution that this Council recommends to the Government the early release of all persons detained without trial on suspicion under the Bengal Criminal Law Amendment Act, the Bengal Suppression of Terrorist Outrages Act or under any other Acts of similar character, being put, a division was taken with the following result :—

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Basu, Babu Jatindra Nath.
Basu, Mr. Narendra Kumar.
Bose, Mr. S. M.
Chatterjee, Mr. B. C.
Chaudhuri, Babu Kishori Mohan.
Choudhury, Maulvi Nural Absar.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Mullick, Mr. Kartick Churn.
Rahman, Maulvi Azizur.
Rai Mahasai, Munindra Deb.
Ray, Mr. Shanti Shekhareswar.
Ray Chowdhury, Babu Satish Chandra.
Rout, Babu Hemai.
Samad, Maulvi Abdus.
Singh, Srijut Taj Bahadur.

NOES.

Armstrong, Mr. W. L.
Barma, Babu Promhari.
Basu, Mr. S.
Blandy, Mr. E. N.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Cohen, Mr. D. J.
Das, Babu Surupprosad.
Dutt, Mr. S. C.
Edgley, Mr. R. G. A.
Eusufji, Maulvi Nur Rahman Khan.
Farequi, the Hon'ble Nawab Sir Mohiuddin, Kt., of Ratanpur.
Ghose, Rai Bahadur Saroshe Comar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Human, Mr. F. T.
Hooper, Mr. G. S.
Hossain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Khan Bahadur Maulvi Muazzem Ali.
Khan, Maulvi Abi Abdulla.
Khan, Khan Bahadur Maulvi Hashem Ali.
Khan, Mr. Razaur Rahman.
Kindersley, Mr. J. B.
Leeson, Mr. G. W.
Mitter, Mr. S. C.
Mollah, Maulvi Mosiem Ali.
Nazimuddin, the Hon'ble Khwaja Sir.
Norton, Mr. H. R.
Porter, Mr. A. E.
Quasem, Maulvi Abul.
Raheem, Mr. A.
Rahman, Khan Bahadur A. F. M. Abdur.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Sarat Kumar.
Sadeque, Maulvi Mohamed.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Gris Chandra.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Studd, Mr. Eric.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 23 and Noes 49, the motion was lost.

MUNINDRA DEB RAI MAHASAI: I beg to move that this Council recommends to the Government to make suitable provision for the liquidation of illiteracy from the province within the next ten years.

At the outset I should like to point out that it is far from my intention to cast any reflection on the Education Deparment or to belittle the efforts of the Ministry of Education by moving this resolution. What I mean to say is that the way in which this great problem of problems is being tackled in this country is quite inadequate and far below the mark in comparison with other countries under civilised administration. Of course,some years ago at the instance of Government a "Self-help" Bill was passed by this Council for the introduction of free primary education, but that did not materialise perhaps owing to chronic poverty of both the rulers and the ruled. For the last two centuries we are living under a civilised Government and the rate at which the percentage of literacy is going up may raise an expectation in our minds that after the lapse of two thousand years, illiteracy may be liquidated from this country. And this is clear evidence of the solicitude of our rulers for the welfare of the masses placed under their charge for whom crocodile tears are shed every now and then! They are going to give us a constitution which is likely to take effect a few months hence on the All Fool's Day in the year of Grace Nineteen Hundred and Thirty Seven and many of

our countrymen are looking forward to that great eventful day which will usher into existence an autonomous province. Well and good. The election fever is gradually rising up, and the candidates are busy issuing all sorts of election literature addressed to the electors whose number have gone up by leaps and bounds under the New Constitution. But, Sir, how many of them will be able to read and digest such literature and judge for themselves the best candidate to represent them in the Legislative Assembly? Is it not a huge joke to approach such electors quite ignorant of the three Rs. Is it not a sheer mockery to enfranchise people without providing them even with a little elementary education? I pause for a reply.

The right to vote is undoubtedly a valued constitutional right, but how can it be properly exercised unless the electorate is sufficiently educated to think for themselves and to make proper choice of their representative in the Assembly. This use of this right is therefore inevitable. They are likely to fall an easy prey to bluffs engineered by men who want to control the administration to serve their own purpose or to advance the ideal they have in view. Is it desirable in the best interest of the country to play ducks and drakes in elections by taking undue advantage of the illiteracy of the electors? But that cannot be helped in the present circumstances.

Sir, in accordance with the census returns of 1931 the population of Bengal under British administration was 5,10,87,338 of whom 47,43,281 were said to be literate and the rest numbering 4,75,92,462 were quite ignorant of the three Rs. In the census report of 1921 we find the population of Bengal to be 4,75,92,462 and the number of literates were stated to be 43,22,645, and therefore the illiterates numbered 4,32,69,817. Hence, we find that the number of illiterates have gone up by thirty lakhs seventy-four thousand and two hundred and forty. This figure, if taken to be correct, would go to show that instead of going ahead Bengal is receding in the matter of literacy. Our rulers come from a country which has got one of the best constitutions in the world—an ideal for the other nations to follow. It has proved highly successful. And what is the success due to? It is undoubtedly due to education and education alone. Free and compulsory education was inaugurated in England less than half a century ago in 1890 and the result has been remarkable. Mass education has created a nation always alert to the responsibilities of citizenry. They have banished illiteracy to an extent undreamt of in this country. They have not only made elaborate arrangements for educating able-bodied children but also for the blind, the deaf and the dumb, the mentally deficient and the physically unfit, the epileptic and what not. I should like to quote the latest figures to elucidate my point. England is not a big country. In 1935 the number of

schools for elementary education was 20,854 maintained by local Education authorities. Total attendance 4,907,435. There were 610 special schools, 73 for the blind with accommodation for 4,650; 47 for the deaf and dumb with 4,530 pupils, 161 for mentally defective accommodating 16,466; 323 for the physically defective with accommodation for 31,587; 6 for epileptic children with accommodation for 619 pupils, there are also 29 Poor Law schools, 65 nursery schools and 287 play centres.

The number of meals provided free in 1934-35 for necessitous children was 67,676,209. The total number of school clinics on March 31st, 1935, was 1,916. There were 2,377 medical officers, 811 dentists and 5,728 nurses employed for whole and part time. Net expenditure of local authorities £64,821,082. Estimate of 1935-36 £68,821,082, an increase of 40 lakhs of pounds in one year: In this I have excluded Scotland and Ireland. The figures speak for themselves. This shows that our rulers are staunch advocates of mass education in their own country, where they appreciate the value of an intelligent electorate. Of course, they cannot be expected to do so much for an alien people, but they can quicken the rate of advance of elementary education to an appreciable extent. I am sorry they have lamentably failed to do this primary duty of a civilised Government. As they have been pleased to extend the franchise, I think it is their bounden duty to fulfil at least their moral obligation to the electors by giving them sufficient education to enable them to shoulder the responsibilities incidental to the exercise of their franchise. Sir, it may be asked why I have limited the time of liquidation of illiteracy within ten years. I have done it advisedly. I think I am not wrong when I say that unlimited period brings about slackness in our efforts——

Mr. PRESIDENT: Rai Mahasai, I am afraid I have now to adjourn the Council. I shall, therefore, forthwith put the motion now before the House.

Mr. KARTICK CHURN MULLICK: Sir, I support the resolution.

Mr. PRESIDENT: Yes, it will be recorded that you supported the resolution.

The motion was then put and agreed to.

Adjournment.

The House was then adjourned till Thursday, the 26th November, at 2 p.m. at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 26th November, 1936, at 2 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 93 nominated and elected members.

Oath or affirmation.

The following member made an oath or affirmation of allegiance to the Crown :—

Mr. H. G. Cooper.

STARRED QUESTIONS

(to which oral answers were given)

Improvement of Railway stations at Rajshahi, Poradah and Ishurdi.

*38. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Public Works (Railways) Department considering the desirability of approaching the Eastern Bengal Railway authorities to arrange for the following improvements by way of providing amenities of the travelling public, viz. :—

(*i*) electrification of the Rajshahi station and its approach roads;

(*ii*) construction of sheds over the platforms at Ishurdi, Poradah and Rajshahi stations; and

(*iii*) permission to passengers holding tickets between Ranaghat and downwards and Amnura and upwards to travel by the longer route *via* Abdulpur provided there is no break of journey en route?

(*b*) If the answers to (*a*) are in the negative, will the Hon'ble Member be pleased to state the reason thereof?

MEMBER in charge of PUBLIC WORKS (RAILWAY) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) The railway administration has been consulted and the Local Government are informed that owing to financial stringency, funds for the provision of additional amenities at stations are strictly limited.

(*i*) Rajshahi is one of the stations the lighting of which by electricity will be considered when funds permit.

(*ii*) Covered platforms at Ishurdi already exist. It is not proposed to provide covered platforms at Poradah and Rajshahi stations.

(*iii*) A similar proposal has already been rejected by the railway administration on principle.

(*b*) Does not arise.

Maulvi SYED MAJID BAKSH: With regard to answer (*a*)(*iii*), am I to take it that if a proposal is once rejected by the railway administration, it is impossible for Government to reopen it?

The Hon'ble Sir JOHN WOODHEAD: Government have no authority as regards railway questions.

Maulvi SYED MAJID BAKSH: Cannot Government make any further representation in the matter?

The Hon'ble Sir JOHN WOODHEAD: We have made no representation as yet, Sir.

Payment of pensions.

***39. Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state whether it is a fact that in some district treasuries a distinction is made between retired gazetted and non-gazetted officers in the matter of payment of pension? If so, why?

(*b*) Is it a fact that the payment of pensions to retired non-gazetted officers is sometimes deferred to a date later than the 2nd working day of each month causing hardship to this class of Government servants?

(*c*) If the answer to (*b*) is in the affirmative, are the Government contemplating issue of instructions to follow the rules on the subject strictly in future?

MEMBER in charge of FINANCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) No.

(*b*) In a number of districts owing to the rush of work in the treasury at the beginning of the month and the large number of pensioners, District Officers have found it necessary to make standing orders spreading the payment of pensions over two or more days. In all cases, except Hooghly, these orders provide for the payment of the smaller pensions first. In Hooghly pensions of Rs. 10 and less and above Rs. 50 are paid on the 3rd of the month and pensions of Rs. 11 to Rs. 50 on the 4th.

(*c*) Government have no reason to suppose that any further orders are necessary.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state why this exception has been made in the case of Hooghly?

The Hon'ble Sir JOHN WOODHEAD: I do not know, Sir. I shall enquire.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member in making the enquiry kindly take into account the fact that it is the smaller pension-holder who requires speedier payment?

The Hon'ble Sir JOHN WOODHEAD: That is the object of my enquiry.

Annual reserve in the Hospital Dues Fund.

*40. **Rai Bahadur RAM DEV CHOKHANY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department be pleased to state—

(*i*) the annual reserve accumulated in the Hospital Dues Fund at Calcutta during the last five years;

(*ii*) in what manner the amount collected in the Fund is being utilised;

(*iii*) whether the unexpended balance of these reserves is brought forward from year to year;

(*iv*) whether any credit for interest is given to these reserves; and

(*v*) whether any of the proceeds of the Hospital Dues Fund are utilised for the benefit of Indian seamen?

(*b*) If the answer to (*a*) (*v*) is in the affirmative, will the Hon'ble Minister be pleased to state to what extent and in what manner the proceeds are so utilised?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*)(*i*) A statement is laid on the table.

(*ii*) The Fund is utilised for (*a*) the treatment of sick seamen, (*b*) contribution to the Diamond Harbour Dispensary, and (*c*) subsidy to the Port Commissioners for collection of Hospital Port Dues.

(*iii*) Yes.

(*iv*) No. Hospital Port Dues Fund is a local fund. Under Articles 220 and 522 to 524 of the Civil Account Code, the account of a local fund at the treasury is a pure banking account and no interest accrues on the balance of the fund. In 1934 a sum of Rs. 1,75,000 was invested in the 4 per cent. Government of India loan, 1960-70, out of the total balance of the fund. Interest accruing from this investment is credited annually to the fund.

(*v*) Yes.

(*b*) The proceeds of the fund are utilised for the treatment of sick seamen. Separate figures of expenditure for the treatment of Indian seamen are not maintained.

Statement referred to in starred question No. 40 (a) (i).

	1931-32.	1932-33.	1933-34.	1934-35.	1935-36.
	Rs.	Rs.	Rs.	Rs.	Rs.
Opening balance ..	2,50,022	2,03,126	2,51,176	84,469	90,716
Receipts ..	68,767	47,285	48,861	58,828	56,940
Expenditure ..	65,633	49,669	38,639	54,581	65,324
Balance (annual) ..	3,134	−2,384	10,222	4,247	−8,384
Closing balance ..	2,03,126	2,51,176	86,469	90,716	82,332

Babu SATISH CHANDRA RAY CHOWDHURY: Will the Hon'ble Minister be pleased to state the reason for this fund being utilised for the purposes mentioned in answer (*a*)(*ii*), namely, the treatment of sick seaman?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Act provides that it should be utilised for the treatment of sick seamen.

Howrah-Katwa-Kandi-Berhampore Road.

***41. MUNINDRA DEB RAI MAHASAI:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the attention of the Government has been drawn to the

resolution No. 3A of the 14th meeting of the Board of Communications held on 7th July, 1936, which runs as follows:—

"After some discussion it was decided that the project which was *prima facie* acceptable should be examined by the Special Officer and the opinion of the railways should be obtained."

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table the opinions expressed by the Special Officer and the railways on the subject?

(*c*) If the opinions referred to in (*b*) have not yet been received when are they likely to be obtained?

(*d*) Do the Government propose to undertake the work for the speedy improvement of the Howrah-Katwa-Kandi-Berhampore Road *via* Beluhati, Chanditala, Sheakhala, Jagajibanpur, Haripal, Dhaniakhali, Monteswar, Memari, Katwa-Kandi and Berhampore?

(*e*) Is it not a fact that the project was accepted by all officials (Hon'ble Minister, Secretaries to the various departments of the Government, Chief Engineer, Public Works Department, Chief Engineer, Irrigation Department, and non-official members of the Board of Communications)?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Government are aware of the resolution.

(*b*) and (*d*) The project for the improvement of the section of the road in question between Memari and Berhampore has been already included by Government, on the recommendation of the Board of Communications, in the skeleton system of trunk roads for this province subject to the approval of the Government of India. The opinions of the Special Officer and the railways regarding the section between Howrah and Memari are still being awaited.

(*c*) The opinion of the Special Officer, Road Development Projects, is expected to be received shortly. Government are not in a position to say when the opinion of the railways will be received. They have however been requested to send their opinion as soon as possible.

(*e*) The answer is in the negative in regard to the section between Howrah and Memari and in the affirmative in regard to the section between Memari and Berhampore.

Malaria in Burdwan Division.

*42. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government (Public Health) Department aware—

(*i*) that the districts of the Burdwan Division have become malarious;

(*ii*) that the agriculturists and agricultural labourers are the greatest sufferers; and

(*iii*) that those agriculturists and agricultural labourers are generally very poor?

(*b*) If the answers to (*a*) are in the affirmative, is the Hon'ble Minister considering the desirability of sending itinerant medical men with medicine chests to help those sufferers?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) A statement showing the fever ratio and malaria mortality in the various districts of the Burdwan Division for the last 10 years is laid on the Library table. It shows that there has been a decrease of malaria in Howrah and that Birbhum and Bankura are the only two districts where there has been an increase.

(*ii*) Agriculturists and agricultural labourers who form the majority of the population, suffer equally with others in the affected areas.

(*iii*) Many of the agriculturists and most of the agricultural labourers are poor.

(*b*) Charitable dispensaries are maintained or aided by district boards at various centres where free treatment is given. Whenever necessary district boards open treatment centres, and appoint special medical staffs for combating outbreaks of malaria. Government make annual anti-malarial grants and grants for free distribution of quinine as well as for the maintenance of village and thana dispensaries. Whenever there is a severe outbreak and medical help is asked for, an itinerant medical staff is deputed by Government.

Bridge over waterways in Bankura.

***43. Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state what steps have been taken to bridge over some of the waterways intersecting even the main roads of the Bankura district with money from the Road Development Fund?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the unbridged condition of the waterways cutting through the roads prove an obstacle during the rains to the officials desiring a closer touch with the people in the rural areas;

(*ii*) that the police officers are hampered in taking prompt steps in preventing crimes or arresting criminals; and

(*iii*) that there are some jungle tracts in this district which are almost inaccessible?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) A comprehensive programme of road development for the whole province is at present under preparation by the Special Officer, Road Development Projects. When his report is received Government will consider whether any bridge project in the Bankura district can be regarded as falling within the category of schemes which can properly be undertaken out of the Provincial share of the Road Account.

(*b*) (*i*) and (*ii*) There are arrangements for ferries across the larger rivers, but the smaller streams become flooded when there is heavy rain and difficulty is felt in crossing them till the flood subsides. Bridging of these smaller streams would undoubtedly be in the interest of speedier communication.

(*iii*) In one thana there are jungle tracts in which there are very few good roads.

Irrigation in Bankura.

***44. Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what steps, if any, have been taken within the last two years for improving the irrigation in the district of Bankura?

(*b*) Is the Hon'ble Member aware that in some provinces of India the problem not only of irrigation but of supply of pure water for drinking and washing are going to be solved by tube wells?

(*c*) Will the Hon'ble Member be pleased to state whether any attempt has been made to find out whether the water problem of the district of Bankura can be solved by the sinking of tube wells?

(*d*) If the answer to (*c*) is in the negative, are the Government considering the desirability of making an attempt that way?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) During the past 2 years investigations have been made in connection with the Darkeswar Reservoir Scheme and the Suvankar Danra Scheme, and a contour survey of the eastern portion of the district has also been made in connection with those schemes and with other possible schemes for irrigation. Rough estimates for the two schemes mentioned are under preparation. In addition to those 2 major schemes, several minor irrigation schemes, such as the Kalindi *bund*, Kulai *khal*, Rukkini *khal*, Ram *bund*, Bhadul *khal* schemes, have been investigated and projects have been prepared and technically approved, but the local people were unwilling to meet the cost and consequently these schemes have been dropped.

(*b*) Yes.

(*c*) The rocky soil of the district is unfavourable for tube wells and a tube well scheme for irrigation with power derived from oil or coal fuel would be financially unsuccessful.

(*d*) Does not arise.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member kindly state whether in addition to Darakeswar and Suvankar schemes, contour survey with regard to any other river has been taken up?

The Hon'ble Khwaja Sir NAZIMUDDIN: Contour survey is not made in connection with rivers but in districts.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether contour survey has been taken up in any other part of the province or in any other district?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes Sir. In other parts of Western Bengal, contour surveys are being made.

Bijoy cut.

*45. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that the Bijoy cut which was effected at an enormous cost is not operating successfully; and

(*ii*) that a conference of Engineers was held to discuss the matter?

(*b*) Has it been ascertained by experts that the failure is due to the cut being dug perpendicular to the velocity of the current of water in the Mathabhanga and there being no sufficient gradient in the channel to ensure a good velocity in the water entering it?

(*c*) If the answer to (*b*) is in the affirmative, were these possibilities taken into consideration by the Engineer who excavated the channel?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) The Bijoy cut was excavated jointly by the district boards of Nadia and Jessore at the comparatively small estimated cost of Rs. 9,410. The cost actually incurred is not known. During the earlier part of the flood season it was not operating very satisfactorily not due to any defect in its design or construction but to many obstructions in the bed of the river intended to be flushed by the cut. During the latter part of the flood season the cut operated satisfactorily and materially improved the sanitation of the area affected.

(*ii*) A conference was held by the Hon'ble Minister in charge of Local Self-Government Department to consider the question of removal of these obstructions. Besides the Collectors, District Board Chairmen, and District Engineers of the districts of Nadia and Jessore and other gentlemen, the Superintending Engineer, South-Western Circle, and the Executive Engineer, Nadia Rivers Division, also attended the conference.

(*b*) No: the cut is not a failure.

(*c*) Does not arise.

Maulvi SYED MAJID BAKSH: Is it not a fact that the Bijoy Cut is perpendicular to the direction of the Matabhanga?

The Hon'ble Khwaja Sir NAZIMUDDIN: May be so.

Maulvi SYED MAJID BAKSH: In that case, is the Hon'ble Member aware that there can be no velocity perpendicular to its own direction?

The Hon'ble Khwaja Sir NAZIMUDDIN: My answer is that the cut is not a failure, and we are getting the requisite amount of cusecs of water which had been estimated beforehand.

Maulvi SYED MAJID BAKSH: I want to know whether there can be a velocity perpendicular to its own direction?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is a question, Sir, for Mathematicians to answer.

Maulvi SYED MAJID BAKSH: Is it not a fact that there can be no velocity in the Bijoy Cut especially as the Hon'ble Member admits that the cut may be perpendicular to the direction of the current?

The Hon'ble Khwaja Sir NAZIMUDDIN: I cannot agree with the hon'ble member. There is sufficient velocity.

Maulvi SYED MAJID BAKSH: Did the Hon'ble Member visit the entrance from where water finds its way into the cut?

The Hon'ble Khwaja Sir NAZIMUDDIN: Yes, Sir.

Maulvi SYED MAJID BAKSH: Is it not a fact that water entered through the Suvankar Cut and not through the Bijoy Cut?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir.

Detenu Dr. Charu Chandra Banerjee.

*46. **Dr. AMULYA RATAN GHOSE:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that the questioner had asked for permission from the Government to interview Dr. Charu Chandra Banerjee detained at Dihica, Asansol; and

(*ii*) that permission was refused to him by a demi-official letter, dated the 4th September, 1936?

(*b*) Is the Hon'ble Member also aware that even letters addressed by the questioner to Dr. Banerjee, according to the suggestion of the Hon'ble Member when interview was refused, did not reach Dr. Banerjee?

(*c*) Will the Hon'ble Member be pleased to state the reasons—

(*i*) why permission to interview Dr. Banerjee was not granted; and

(*ii*) why the letters were not allowed to reach him?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) and (*ii*) Yes.

(*b*) No such letters have been withheld.

(*c*) (*i*) There was no good reason for allowing the detenu the privilege of an interview.

(*ii*) Does not arise.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to release Dr. Charu Chandra Banerjee who has been set up by the Provincial Trade Union Congress to contest election?

The Hon'ble Sir ROBERT REID: That I think is not a question but a request for action.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state if the privilege of an interview has been withdrawn from this detenu?

The Hon'ble Sir ROBERT REID: No, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Will the Hon'ble Member be pleased to state the reasons why this interview was refused?

The Hon'ble Sir ROBERT REID: I have answered that already in (*c*) (*i*).

Mr. P. BANERJI: Are the Government prepared to give facilities to Dr. Charu Chandra Banerjee which are required for his election campaign, namely, touring about in his constituency, addressing election meetings, issuing of election manifestoes and hand bills for supporting his candidature, and issuing appeals to friends and supporters for propaganda, etc.

The Hon'ble Sir ROBERT REID: My answer to that is to enquire from the Hon'ble the President whether that constitutes a question or not.

Mr. SHANTI SHEKHARESWAR RAY: Was the gentleman who sought for the interview asked to state the reasons why he wanted it?

The Hon'ble Sir ROBERT REID: Not that I am aware of.

Mr. SHANTI SHEKHARESWAR RAY: Why was this interview refused?

The Hon'ble Sir ROBERT REID: I have already answered that in (*c*) (*i*).

Dr. AMULYA RATAN GHOSE: Will the Hon'ble Member be pleased to state whether reasons are asked from interviewers in other cases as well?

The Hon'ble Sir ROBERT REID: I cannot recollect any such case.

Mr. P. BANERJI: I put it to the Hon'ble Member again if the Hon'ble Member is not pleased to release him, whether he is prepared to give the following facilities to Dr. Charu Chandra Banerjee for his election campaign, appointing election agents,——

Mr. PRESIDENT: You must be concise and to the point.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether he is prepared to allow Dr. Charu Chandra Banerjee certain facilities for his election campaign?

The Hon'ble Sir ROBERT REID: Government are not prepared to take action on a supplementary question put by Mr. P. Banerji on behalf of a detenu.

Mr. PRESIDENT: The member wants to know if there is any objection to that particular individual having certain facilities with regard to his election.

The Hon'ble Sir ROBERT REID: If the person concerned makes an application, it will be considered.

Mr. NARENDRA KUMAR BASU: With regard to (*c*) (*ii*), will the Hon'ble Member be pleased to state whether Dr. Charu Chandra Banerjee has been allowed the privilege of an interview with any other person?

The Hon'ble Sir ROBERT REID: He had had frequent interviews with members of his family.

Mr. NARENDRA KUMAR BASU: So far as (*c*) (*i*) is concerned, namely, that there was no good reason for allowing the detenu the privilege of an interview, does this privilege mean the privilege of an interview with Dr. Ghose?

The Hon'ble Sir ROBERT REID: That is the intention of the answer. I regret it is obscure.

Mr. NARENDRA KUMAR BASU: Does the Hon'ble Member think that the interview with Dr. Ghose was a privilege which should not be granted to any detenu?

The Hon'ble Sir ROBERT REID: That is a very embarrassing question, especially as the particular member of this House concerned is present. I would rather not express an opinion.

Howrah-Katwa-Kandi-Berhampore Road.

***47. Rai Bahadur JOGESH CHANDRA SEN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the attention of the Government had been drawn to the resolution No. 3A of the 14th meeting of the Board of Communications held on the 7th July, 1936?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table the opinions expressed by the Special Officer and the railways on the subject?

(*c*) Do the Government propose undertaking the work for the speedy improvement of the Howrah-Katwa-Kandi-Berhampore Road *via* Baluhati, Chanditala, Sheakhala, Jagajibanpur, Haripal, Dhaniakhali, Monteswar, Memari, Katwa-Kandi and Berhampore?

(*d*) Is the Hon'ble Minister aware that the proposal was accepted by all officials and non-official members of the Board of Communications?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Government are aware of the resolution.

(*b*) The opinions of the Special Officer, Road Development Projects, and the railways regarding the section between Howrah and Memari have not yet been received.

(*c*) The project for the improvement of the section of the road in question between Memari and Berhampore has been already included by Government, on the recommendation of the Board of Communications, in the skeleton system of trunk roads for this province subject to the approval of the Government of India. As regards the section referred to in the answer to (*b*), the matter will be considered by Government and the Board of Communications when the opinions referred to therein are received.

(*d*) The answer is in the negative with regard to the section of the road between Howrah and Memari and in the affirmative with regard to the section between Memari and Berhampore.

Supply of pure milk.

*48. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps, if any, have been taken or are proposed to be taken—

(*i*) for the preservation and maintenance of stud bulls;

(*ii*) for the prevention or restriction of the slaughter of prime cows; and

(*iii*) for the supply of pure milk in towns?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (*i*) The member is referred to the resolution on the Annual Report of the Department of Agriculture, Bengal, for the year 1935-36, a copy of which is laid on the Library table.

(*ii*) The matter is under examination by Government.

(*iii*) The member is referred to the provisions of (*a*) Chapters XXVIII and XXIX of the Calcutta Municipal Act, 1923; (*b*) Chapter XIX of the Bengal Municipal Act, 1932; and (*c*) the Bengal Food Adulteration Act, 1919, and also to the rules and bye-laws framed under these provisions for the supply of pure milk in towns and prevention of its adulteration.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to answer (*ii*), will the Hon'ble Minister be pleased to state when a final decision is likely to be reached by Government?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: We have asked for a report from the Director of the Civil Veterinary Department, and it is difficult to anticipate that.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Apprentice process-servers in Hooghly.

25. Babu HARIBANSA ROY: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement showing for the year 1936—

(*a*) the number of candidates who offered themselves as apprentice process-servers under the Judgeship of the district of Hooghly separately under the following heads:—

(*i*) Matric Muhammadans,

(*ii*) Non-matric Muhammadans,

(*iii*) Matric Hindus, and

(*iv*) Non-matric Hindus; and

(*b*) the number amongst them who have been appointed?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): There are no posts of "apprentice peons" in the district. The number of candidates for appointment as process-servers is as follows:—

(*a*) (*i*) 1.

(*ii*) 7.

(*iii*) 1.

(*iv*) 10.

(*b*) None.

Old Benares Road.

26. MUNINDRA DEB RAI MAHASAI: (*a*) With reference to the reply given on the 9th March, 1936, to my unstarred question

No. 9, is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the opinions of the district boards of Hooghly and Howrah, the Commissioner of the Burdwan Division and the Special Officer were received and they were placed on the table at the 13th meeting of the Board of Communications held on 27th March, 1936; and

(*ii*) that the Special Officer has already examined the road in question and has submitted the detailed report on the scheme to the Government and which was in item No. 3 of the Agenda of the 14th meeting of the Board of Communications held on 7th July, 1936?

(*b*) Is it a fact that all the interested bodies such as the district boards of Hooghly and Howrah, the Commissioner of the Burdwan Division, the Special Officer, Road Development Project, the District Magistrates of Hooghly and Howrah and the official (Hon'ble Minister, the Secretaries to the various departments of the Government) and non-official members of the Board of Communications, Bengal Chamber of Commerce, Bengal National Chamber of Commerce, the Automobile Association of Bengal, the Motor Industries Association—all confirm that the existing condition of the road in question is interfering with the carriage of all commodities such as jute, rice, potato, paddy, etc.?

(*c*) Is it also a fact that the Subdivisional Officer (Mr. S. B. Hatch-Barnwell, I.C.S.), had made the following remarks, namely,—

"This is the heart of the jungle, and there really is no other means of communications at this area, if anything can be done, it will greatly benefit the locality"?

(*d*) Will the Hon'ble Minister be pleased to state whether Government have received any cuttings from the *Amrita Bazar Patrika*, dated the 23rd September, 1936, regarding the urgent need of repairs of the Old Benares Road?

(*e*) Has the attention of the Government been drawn to the following resolution of the Board of Communications' 12th meeting held on 16th August, 1935, and the 13th meeting held on 27th March, 1936, specially to the following sentences:—

"The Hon'ble Minister pointed out that the Howrah-Sheakhala Light Railway runs on this road up to Sheakhala and has a guarantee of a 4 per cent. dividend from the district boards of Howrah and Hooghly.

The Hon'ble Minister observed that the district board of Hooghly which would have to bear the cost of maintenance of the improved road and was also vitally interested in that it would have to make good the

loss that might result in the working of the light railways, approved of this proposal."

(*f*) If the answers to (*a*), (*b*), (*c*), (*d*) and (*e*) are in the affirmative, will the Hon'ble Minister be pleased to state the definite date as to when the improvement of the road in question will be taken in hand?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) Yes.

(*b*) So far as the reference to the district boards of Hooghly and Howrah, the Commissioner of the Burdwan Division, the Special Officer, Road Development Projects, the District Magistrates of Hooghly and Howrah, the Hon'ble Minister and the Secretaries to the various departments of Government are concerned, the answer is in the negative. The Bengal Chamber of Commerce, the Bengal National Chamber of Commerce and certain non-official members of the Board of Communications, have expressed the opinion that the existing condition of the road is interfering with commercial traffic.

(*c*) Government understand that the Subdivisional Officer verbally expressed to the member an opinion to this effect.

(*d*) Yes.

(*e*) Government are aware of the resolutions.

(*f*) The question of the improvement of this road is already under the consideration of the Board of Communications on whose recommendation the scheme is being examined from the point of view of competition with railways. The opinion of the railway concerned is being awaited and no decision can be reached until it is received and considered by Government and the Board of Communications.

Kankinarah Paper Mill and discharge of rotten bamboo pulps into Hooghly River.

27. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table the representations, if any, received protesting against the discharge into the water of the River Hooghly by the Kankinarah Paper Mill, of the rotten bamboo pulps and other raw materials?

(*b*) Will the Hon'ble Minister be pleased to state what action, if any, has been taken in this matter?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Copies of the representations received are laid on the Library table.

(*b*) The Assistant Director of Public Health has recently held a full enquiry and the matter is under the consideration of Government.

Board of Economic Enquiry.

28. Dr. NARESH CHANDRA SEN GUPTA: (*a*) With reference to the following paragraph in the Government resolution No. 3774-Agri., dated the 30th July, 1935, Annual Report of the Department of Agriculture, viz.:—

> "The Report of the Bengal Jute Enquiry Committee was published in February, 1934. Owing to the divergence of opinion among the members of the Committee on certain essential points, Government addressed the Board of Economic Enquiry for advice on certain questions arising out of the Report of the Committee"

will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) what were the points upon which the advice of the Board of Economic Enquiry was sought;

(*ii*) how many meetings of the Board have been held for considering the aforesaid points referred to them and on which dates;

(*iii*) what was the advice, if any, given by the aforesaid Board on each of the points; and

(*iv*) what action, if any, has been taken by the Government on the advice of the Board?

(*b*) If no advice has yet been given by the Board, when is such advice expected?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) (*i*) The character, constitution and functions of a permanent Jute Committee.

(*ii*) One meeting of the Board was held on the 17th August, 1934, for considering the above points.

(*iii*) A copy of the minutes of the proceedings is placed on the Library table.

(*iv*) On receipt of the recommendations of the Board of Economic Enquiry, Government formulated their views on the various points and addressed the Government of India on the subject of formation of a permanent Jute Committee.

(*b*) Does not arise.

NON-OFFICIAL MEMBERS' BUSINESS

LEGISLATION

NON-OFFICIAL BILLS.

The Bengal Patni Taluks Regulation (Amendment) Bill, 1936.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to present the Report of the Select Committee on the Bengal Patni Taluks Regulation (Amendment) Bill, 1936.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I beg to move that the Bengal Patni Taluks Regulation (Amendment) Bill, 1936, as reported on by the Select Committee, be taken into consideration.

The motion was then put and agreed to.

Clause 1.

The question that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

The question that clause 2 stand part of the Bill was put and agreed to.

Preamble.

The question that preamble stand part of the Bill was put and agreed to.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I beg to move that the Bengal Patni Taluks Regulation (Amendment) Bill, 1936, as settled in Council, be passed.

The motion was then put and agreed to.

The Calcutta Municipal (Amendment) Bill, 1935.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I beg to present the Report of the Select Committee on the Calcutta Municipal (Amendment) Bill, 1935, by Mr. Narendra Kumar Basu.

The Bengal Village Self-Government (Amendment) Bill, 1935.

Khan Bahadur Haji BADI AHMED CHOWDHURY: I beg to move under the proviso to Standing Order 6(*2*) that the Bengal Village Self-Government (Amendment) Bill, 1935, be continued.

(The Khan Bahadur spoke in Bengali in support of his motion.)

The translation of his speech is as follows:—

Sir, I introduce this Bill in the Council in order to amend one or two sections of the Bengal Village Self-Government Act because of the great inconvenience caused thereby to the public. By clause 2 of my Bill, I want to add the following words to section 72 of the Bengal Village Self-Government Act:—

"If the union bench fine an accused person the bench may, if they so like, grant him time on his furnishing a proper security provided that he applies for time to pay up the amount of the fine."

The present law does not contain any provision whereby an accused person, if fined by a union bench, can be released on bail.

The amendment is intended to obviate this difficulty and also to facilitate the realisation of the fine imposed by a union bench. I also propose to amend section 74 of the Bengal Village Self-Government Act by bringing rent suits of the value of less than Rs. 25 within the jurisdiction of union courts. Bengal is a land of small holdings at small rents. At present all rent suits have to be filed in the Munsiff court of appropriate jurisdiction which is sometimes at a distance of 25 to 30 miles from some places within the jurisdiction of the said court. Consequently litigation over such small demands at such a distant place causes unnecessary cost and harassment both to the plaintiff, the zamindars, the defendants and the *raiyats* and means waste of the valuable time of the munsiffs as the court-fees paid on such sums are necessarily small and not commensurate with the labour involved. Hence the jurisdiction of the union courts should be extended so as to empower them to entertain such suits. Any party apprehending a miscarriage of justice in such cases in union courts, may take advantage of the provisions contained in section 74 of the Bengal Village Self-Government Act for the transfer of suits in some cases to the munsiff court of proper jurisdiction. Amendment of section 95 has still more minimised the chances of such miscarriage of justice. Moreover, the union court has no jurisdiction in view of section 75 (*5*) of the said Act to entertain suits as to the fixing, enhancement, or decrease of rent, etc. Again all the union boards are not given powers to constitute benches and courts. It is only when the Magistrate, Subdivisional Officer and Circle Officer find good and honest men among the members of the union boards that such powers are given. Hence there is very

little likelihood of miscarriage of justice. I therefore appeal to you to support this Bill and thereby do a great good to the country.

Khan Bahadur Haji BADI AHMED CHOWDHURY: I beg to move that the Bengal Village Self-Government (Amendment) Bill, 1935, be taken into consideration.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I rise to oppose this Bill. The Bill seeks to bring about two different changes. Firstly, the proposal is that section 72 of the Bengal Village Self-Government Act should be amended with a view to invest the union benches with power to grant time to the person convicted with fine for payment of the penalty. Section 72 already gives that power to the union courts. A union court must give 10 days' time for the payment of the fine and if asked for, and if the union bench so desires it can give a longer time. The object of the hon'ble mover, so far I could make out, is to invest the union court with this power of granting time with a security. I do not think it is necessary. The present section is comprehensive enough; it has been working quite satisfactorily and no complaint has been received either from the local officers or the association of union boards asking for an amendment of this section. On this ground Government oppose the amendment of that section.

Another proposal is that the union court should be given power to try rent suits up to Rs. 5. Sir, most of the members of the union courts are likely to be interested party either as plaintiffs or defendants. It is true that under the amended Bengal Village Self-Government Act a person interested in a suit before a union court should not try that suit. But if that provision of the Act has to be given effect to in each and every case, then this amendment now proposed by the hon'ble member would be futile in the majority of cases. So it is no use bringing about an innovation by an amendment in the Act which is not likely to work smoothly or which is not likely to confer a substantial boon on the litigant public. I think my friend himself admitted that up till now there is not that amount of confidence in the union courts and benches as one would like to have. In this view of the matter Government would not be justified in accepting the amendment. They consulted the local officers and they are unanimously against the amendments proposed in this Bill. I would therefore request the hon'ble member to withdraw his motion.

Khan Bahadur Haji Badi Ahmed Chowdhury then asked for permission of the House to withdraw his Bill.

Rai Bahadur KESHAB CHANDRA BANERJI: On a point of order, Sir. The Khan Bahadur who introduced the Bill has now asked for

permission to withdraw it probably under a misapprehension that the Hon'ble Minister has given him an assurance.

Mr. PRESIDENT: There cannot be any conditional withdrawal. The member moved his motion No. 7A. The question is whether he now asks the permission of the House to withdraw it.

Khan Bahadur Haji Badi Ahmed Chowdhury then asked for permission of the House to withdraw his motion.

The motion was then by leave of the House withdrawn.

The Bengal Fisheries Bill, 1936.

Rai Bahadur SARAT CHANDRA BAL: I beg to move for leave to introduce the Bengal Fisheries Bill, 1936.

The question that leave be granted to introduce the Bengal Fisheries Bill, 1936, was put and agreed to.

(The Secretary then read the short title of the Bill.)

Rai Bahadur SARAT CHANDRA BAL: I beg to move that the said Bill be taken into consideration.

Sir, I have brought forward this short Bill having 9 clauses for the acceptance of the House. Some of the honourable members who are unfriendly to the fishermen will raise many technical objections. They may say that we have full sympathy but we desire that the Bill should be circulated for eliciting public opinion or that the Bill be referred to a Select Committee and so on, but I submit, Sir, we all know that this is the last session of the Council and if the Bill is delayed, it is natural that the Bill will die. So I have moved that the Bill be taken into consideration and passed. It is a short Bill and it will not take long to amend the Bill in any way the members like. Sir, I have stated in the Bill the aims and objects of the Bill, but, Sir, I wish to submit some points again for the consideration of the House. Sir, I am not a fisherman but still I move this Bill because I know their difficulties and I think there are many honourable members here in this House who really feel for them, and to them I submit that this is the opportune moment when they are in a position to do some tangible work for the protection of the fishermen.

Sir, I wish to be clear on one point. The term "fishermen" does not mean any particular caste but it means those who are *bona fide* fishermen, he may be a Hindu, Muslim or Christian or anybody of any caste. If that be the case, I find no reason why this Bill will not receive support from every side of the House.

Sir, the main object of the Bill is to give legitimate protection to those who are *bona fide* fishermen. Sir, it is the duty of a man to

give every person all possible facilities to enjoy the profit of one's labour. It is the duty of a man to be fair and just to those who are the producers of wealth. It is the duty of a man to make the labouring class healthy, wealthy and educated. If anybody fails to do it, he does injustice not only to others but to himself. So if any class does that injustice to any other class, they do injustice to the nation, and the nation suffers bitterly in the struggle for existence. Bengalees as a class are wanting in education, wealth and health, and why it is so; because those who are in power do not feel for those who are the actual producers of wealth.

Sir, the landlords of Bengal are the actual proprietors of the soil under the law of the country, but, Sir, in the Bengal Tenancy Act they have parted with some of their rights, and now we find that the rights of the cultivators as against their landlords have been safeguarded to some extent; but, Sir, there is no law safeguarding the rights and interests of the fishermen who form a considerable portion of the rural population of the province. As a result the fishermen of Bengal as a class are subject to various exactions at the hands of their immediate landlords, particularly the middlemen. It is the general practice in all large fisheries that the proprietor in making the settlement with fishermen stipulates that the catches should be sold to his nominee only and to none else. This nominee also pays a heavy rent or present for his privilege. There are also innumerable exactions in various parts of the country under different names. I have mentioned 18 heads of such exactions. This system has reduced the fishermen to extreme poverty and their condition in every district is most pitiable.

In the Statement of Objects and Reasons I have quoted some reports from which it is made quite clear that the fishermen have legitimate rights which must be recognised by the State. The rights of labour cannot and ought not to be ignored. Both on account of the number of households dependent upon them and on account of other industries involved in and bound up with the fisheries, the fishermen have a recognised claim to consideration. From the report we find that the supply of fish in this province is much shorter than the demand and that this supply is steadily diminishing, while the price of fish is increasing. Fish is admitted to be the most important article of diet among the inhabitants of this province and may be considered to be a necessity and not a luxury. Moreover, we often find that lease is given only for a short period, generally for one fishing season with the result that the lessee bent on making the maximum profit within the period of the lease does not hesitate to capture and kill every fish, mature or immature. If lease is given for a longer period, the lessee would spare the immature ones on the expectation of getting higher price next year. Moreover, the fishermen generally have not got much land and owing to the precarious nature of their calling they have small security to offer and consequently they have to pay a very high rate of interest. Though

under the Money-lenders Act the rate of interest has been regulated, but in substance the debtors are always the worst sufferers.

Sir, with a view to safeguard the rights and interests of the fishermen of Bengal from the hands of middlemen and proprietors this Bill is introduced, and I hope the honourable members will support my Bill and thereby save the helpless fishermen of Bengal from exactions. With these words I commend my motion to the acceptance of the House.

Mr. SARAT KUMAR ROY: Sir, I oppose this Bill as I do not agree with its principles. I would not have grudged at all if the Bill had sought to ameliorate the condition of our fishermen by encouraging co-operation among them or to improve our fisheries by providing for conservation of immature fish and like other things.

But the Bill seeks to attack the proprietors of *Jalkars* for their so-called exactions and the mover has put the responsibility for the present alleged miserable condition of fishermen mainly upon the landlords. Yet, Sir, from what the mover of the Bill has quoted it appears that the proprietors of *Jalkars* received only one-eightieth part of the income from catches while the middlemen intercepted twenty-five per cent. of the gross value. So I fail to understand how the proprietors are responsible for the exactions of which the mover complains. Moreover, it is not to the interest of the proprietors that there should come between, middlemen, to intercept a large amount of the profit. And I am not aware that the practice of compelling the fishermen to sell their catches to the proprietors' nominee prevails in every part of Bengal. Unquestionably such a condition tells adversely on the interests of the landlords, as where such a condition is enforced, the bid they would otherwise get from the fishermen would necessarily be low. Hence, why should landlords favour such a practice?

But, on the other hand, Sir, regarding interruption by the middlemen, we have to admit that such middlemen exist in every other sphere of trade in Bengal as elsewhere, and it is hardly practicable to eliminate them altogether from the field. And middlemen exist there because they have their importance and worth too. Nay, they are in many cases essential in financing the trade and hence you cannot succeed in eliminating them from the field altogether.

So I think the proposal made in clause 3 of the Bill to eliminate the middlemen in the settlement of fisheries will not be practicable unless you find some other bodies to replace them, such as co-operative fishermen's societies. But in the present state of things, until we can organise a sufficiently large number of such societies, I think the attempt will fail. I submit, therefore, that we cannot agree with the principles underlying clause 3 of the Bill.

Then, Sir, regarding clause 4 of the Bill, I submit that fisheries are not immovable properties like land. It is after all a trade where terms of contract and not the status of the parties established by the laws of the country, that should prevail. Practically there is no relationship of a landlord and tenant between the owners of fisheries and the fishermen. Here they always settle their respective rights and privileges by the contracts that they enter into and in settling the terms of these contracts you must maintain their freedom. So, Sir, I am opposed to the Collector intervening and settling the rents of the fisheries.

Sir, we all know that income from fisheries fluctuates almost every year. The income from fishery in any particular year depends upon factors like rain-fall, floods, the number and growth of fish, market and transit facilities, commodity prices prevailing in the country and like other economic questions. Surely, Sir, the persons who are engaged in their trade are better judges of these factors than the Collector. Hence it cannot be expected that the assessment of rent of fisheries by the Collector would be fair and if you bind the parties by such assessment, you will only interfere with their freedom of contract and the trade will suffer. I therefore submit that the proposal for settlement of fair rents of fisheries by the Collector will not serve the purpose of ameliorating the condition of the fishermen, while it will seriously affect the income of the landlords in the majority of cases.

Then, Sir, as I have just stated before the House, fisheries are not immoveable properties such as lands. They have no permanent existence. In many instances in-land fisheries obtained in the *bheel* and other reservoirs of water such as tanks, *khals*, etc., often dry up for want of rain. Occupancy and such other rights in them are of no use to those for whom they are intended to be created. Hence I think, we cannot agree with the principle of clause 5 of the Bill as well.

Lastly, Sir, in clause 7 of the Bill, the mover seeks to penalise the landlords for illegal exactions by as much as 100 per cent. of the annual rent, plus a fine, while in clause 8 of the Bill, for offence of non-payment of rent, the mover fixes the penalty only at 6¼ per cent., even much below that which is payable under the Bengal Tenancy Act for a similar offence. Such provisions in a Bill which seeks equity are certainly inequitous, and the mover has not been able to convince us why such different treatment should be provided for the wrongs of the two parties.

Sir, it therefore appears that the Bill contains many defects and so in the present form the House cannot accept it. It should therefore be dropped.

But if the mover still insists upon pushing it through, I think we should consult the views of the public before we go into considering its provisions.

I therefore move that the Bill should be circulated for eliciting public opinion thereon by the 31st January, 1937.

Mr. J. B. KINDERSLEY: I rise to oppose this Bill, not because I have no sympathy with the idea that some protection should be provided for the rights of fishermen, but because the Bill as it has been conceived would rather worsen their lot than improve it. If you look at clause 3 you will find that a lease can be for 3 years. If again you look at clause 5 you will find that an occupancy right can be acquired after 12 years. If a landlord can limit a lease to 3 years it is obvious that it won't be renewed, so that the tenant may not acquire occupancy rights at the end of 12 years. In the case of agricultural land such a provision is possible, because you can calculate with fair accuracy the outturn of the produce and the value of the produce of that land, but in a fishery there are absolutely no data on which to start. The zemindar who is governed by a Bill of this kind might base his original rent without data far too low and not be able to derive his proper share of rent from that fishery. In the same way a tenant might base his idea of rent far too high and discover that the fishery was unprofitable. This Bill which would give him a right of occupancy would impose upon him certain liabilities and would deprive the landlord of the right of selecting his tenants. In clause 3 we find that the right of fishery has got to be given to *bona fide* fishermen or to fishermen's co-operative societies. What is a *mala fide* fisherman? I am not clear what the term "*bona fide* fishermen" can mean. In this province the agriculturist is not employed throughout the 12 months in the year and most of his spare time is spent in fishing, sometimes in fisheries whether they have a permanent lease or a permanent *bundbust* or only for a very short term of years. By this means they are able to improve their own income and augment it by some auxiliary employment, namely, fishing. Further, in the Bill it is provided that the Collector is to fix a fair rent on application. There is nothing in the Bill to indicate whether that rent must be a money rent or can be a produce rent. We know that throughout Bengal the majority of *bhadraloy* owners of land lease heir land on a *barga* system. The object of the Bill appears to be that a fishery should only be held on a money rent. Is then the man who owns a small fishery not to be allowed to make a *bundbust* by which he can have a part of the fish? Apparently that is the intention of the Bill.

It is further stated in the Statement of Objects and Reasons that one other object of the Bill is to conserve and improve the supply of fish in Bengal. Well, if that was the intention of the Bill we might expect to find some clause with regard to the limit of the size of fish to be taken from the waters, or to insist on re-stocking the tanks which have been denuded of fish by the fishermen, or a clause of that kind. But in the Bill as it stands there is no such provision.

I think the House will agree that while the object of the Bill which in part is to help the fishermen, fails, as I have shown, the other part, namely the conservation and improvement of the supply of fish, fails evermore completely.

There is one further point. It has been complained that there are middlemen who are making profits: but there are middlemen in every trade. Can a fisherman in Goalundo market his fish in Calcutta? There is nothing in the Bill to prevent him from marketing his fish through the middleman. He can form a group of fishermen into a co-operative society for this purpose? But they find that certain methods of marketing their fish are satisfactory to them. Admittedly, there may be fish sale rings, I do not know whether they exist—they may make big profits. If they do, perhaps, that is the reason why the price paid to fishermen in Goalundo is so low and fish in Calcutta is so very expensive. Perhaps we could destroy that ring if such a ring does exist. We could then get cheap fish in Calcutta by reducing the profits of the middlemen. So I think on these grounds the Bill should be opposed.

Maulvi SYED MAJID BAKSH: When I read the title of this Bill I thought it was an attempt to give us an opportunity of fishing in others' tanks. I now find that it is an attempt to fish in others' dishes. The provisions of this Bill are so drastic and so far-reaching that it is impossible to give effect to the Bill even if it is passed by this Council. As has already been pointed out by the previous speaker, with regard to clause 3, no private fishery shall be settled with any person except with *bona fide* fishermen. Apart from the difficulty of ascertaining who are *bona fide* fishermen, I think the creation of such trade monopoly will either benefit the fishermen or will benefit the owners of fisheries. If it benefits the fishermen, I think they will make so much profit under this monopoly that they will soon grow rich and will cease to catch fish altogether. Therefore, we shall be faced with the extinction of the race of *bona fide* fishermen. Where will you get your *bona fide* fishermen then? If there is no provision in the Bill to create *bona fide* fishermen as and when these rich fishermen cease to do their work some time afterwards, the Bill and its provisions will become unworkable. There will be no fishes and none to catch fish, the fishermen having become rich, and there will be no one to purchase fish, there being no fish! Therefore the attempt made in the Bill to give protection to fishermen will end in failure. Of course we have every bit of sympathy with the poor men who want protection, but poor men generally cannot protect themselves unless they are trained in this matter. A mere Bill will not give fishermen training that is necessary to protect them from middlemen. It is better to give these fishermen training on the co-operative system or training in the art of protecting their own trade against the inroads of middlemen. For a small railway

freight we find, as has been pointed out, that fish in Goalundo is considerably cheaper than it is in Calcutta, or even a few stations after Goalundo. This is an attempt by middlemen to make fishes dear, and I do not find any provision in the Bill merely by giving leases to *bona fide* fishermen to reduce the price. The sections are so disconnected with one another that it seems that there is confusion of conception. One section says one thing and the other section says quite the contrary thing. Therefore if protection is necessary I think Government should redraft the Bill for the sake of protecting the fishermen and not agree to the Bill being passed by this House.

Mr. NARENDRA KUMAR BASU: I rise to oppose this Bill for the simple reason that in clause 3 it is stated that no private fishery shall be settled with any person or persons except *bona fide* fishermen or co-operative fishermen's societies. The word "fisherman" has been defined in clause 2 as a *bona fide* fisherman who catches fish with net, hook or other contrivances for selling and thereby maintains himself, and his family and whose chief business of life is fishing. Sir, I am not a follower of the amiable Izaac Walton but I do know of many amiable gentlemen outside lunatic asylums who spend hours together in trying to catch fish with rod and hook, and I do not see any reason why, if these anglers should want to take the settlement of small fisheries, they should not be allowed to do so.

Then, again, in these days of middle class unemployment, I should have thought that the formation of small companies of young men to catch fish in the districts and send them to Calcutta and other towns for trade would be a great help and should not be absolutely scouted as is sought to be done by the present Bill. I submit that this Bill has been drafted in haste and that the implications of the Bill have not been correctly appreciated by the introducer. I would therefore ask him to withdraw the Bill.

Maulvi MAHAMED SADEQUE: Sir, I rise to oppose this Bill on behalf of myself and I take the liberty of opposing it on behalf of the people who live in Darjeeling and Jalpaiguri. The mover of the Bill wants that there should be no middlemen in the fishery business. He expects that the fishermen who catch fish should take it to the market. Those who reside in Darjeeling and Jalpaiguri know that it is not possible for the fishermen to take the fish to Darjeeling for the purpose of selling it and that therefore there must be some middlemen to carry on the trade in fish. Sir, if this Bill is passed and as a result of it middlemen be eliminated from the trade, we shall not get any fish either in Jalpaiguri or Darjeeling. If the cultivation of fish is not permitted, we cannot expect to have any improvement in the fisheries of Bengal. We are pressing Government to finance youngmen and open out new avenues of life and if they are precluded from taking

up fishing enterprise, we cannot expect any improvement in the fishing trade.

Then, Sir, there is another point and that is a question between a proprietor and a tenant. Even under the Bengal Tenancy Act, Government has not permitted any interference with the rights of landlords. Here by this Bill it is urged that the Collector should interfere and force the zemindar or proprietor to settle his tank with fishermen. I do not know what are the conditions according to which the fisheries are to be let out.

With these observations, Sir, I oppose the Bill and I think it should be dropped.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I rise to oppose the Bill. In the first place, I think that in the interests of the fishermen themselves this law should not be enacted. In section 6 it is laid down that any stipulation in any fishery lease by which the tenant is compelled to sell his catches of fish to any person or persons recommended by the proprietor shall be void. I think this provision is definitely against the interest of the fishermen. In some cases it is found that the fishermen themselves find it more profitable and convenient to give fish to the owner of the fishery in lieu of money rent. Mr. Kindersley has rightly pointed out, that in cases of small fisheries it is not in the interest of the fishermen to pay rent to the proprietor. Then again, Sir, the object of the Bill, as I have been able to understand by a perusal of the Statement of Objects and Reasons, is to eliminate the middlemen. This also, I think, will go against the interest of the fishermen. It is not possible to do away with middlemen altogether whether in respect of this trade or any other commercial concern, and those who have travelled from Narayanganj to Calcutta must have noticed what enormous quantities of fish are booked from different steamer stations for the Calcutta market; that shows that the fishing industry is not on the wane, rather it is thriving, and although the middlemen in such cases have a whip-hand in this trade, it cannot be said that the *bona fide* fishermen suffer any financial loss. That being the case, I do not think any useful purpose will be served by imposing the restrictions suggested which are considered absolutely unnecessary. The way in which the Bill has been drafted leaves much to be desired, I, therefore, oppose the Bill.

Rai Bahadur SARAT CHANDRA BAL: Sir, various objections have been raised by some members of this House, but I must thank the Secretary for his sympathy for this Bill. In the first place, I know that there are very few in this House who will give their wholehearted support to my Bill but time is not far off when there will be many who will come forward with a legislation of this nature.

Sir, the first opposition has come from the landlords, because it is a question between the proprietor and the fisherman and proprietors are practically big landlords and they are the lessors of fisheries. I have brought forward this Bill on behalf of the lessees, i.e., the poor fishermen of Bengal. I admit that landlords are not benefited by this Bill. The question is who are these poor fishermen; they are poor tenants and it is the primary duty of everybody to look to their interests and to see that their financial position is improved. If you put some middlemen between the fishermen and the landlords their position will be worse. By *bona fide* fishermen I mean those who catch fish with their own hands. Suppose there is a big money-lender and if he wishes to make profit out of a fishery, he will take the lease of a fishery and he will sublet it to someone else. He will not catch the fish himself but he will give a sub-lease to some other middleman. What I suggest is if the lease is given to a *bona fide* fisherman, then he will get the highest profit out of the fishery.

Next, Sir, much has been said regarding clause 6, which lays down that any stipulation in any fishery by which the tenant is compelled to sell his catches of fish to any person or persons nominated by the proprietors, shall be void, because I think everybody should have some sort of independence. If he has that independence he can sell it to anybody who pays the highest price. If after all the trouble in catching fish the fisherman has to sell it at a price which is offered by a third person, namely a nominee of the proprietor, then the fisherman gets no profit at all and that is the practical difficulty to remove which I have suggested this clause. Sir, there are many here who may not feel for the fishermen (MR. NARENDRA KUMAR BASU: because they are not fishermen). They cannot feel in the same way as a fisherman would feel. So I submit that hon'ble members should realise the practical difficulties in which fishermen are placed and should make an honest attempt to relieve them from the middlemen.

Then, Sir, there are many impositions or illegal cesses in different forms. It is very difficult for me to mention all these impositions which go to the landlord or his nominee; just as in the Bengal Tenancy Act there are so many *abwabs* there are also *abwabs* in this matter, and I submit that these should be put a stop to and fishermen should be given a fair chance to get a proper price for the fruit of their labour. If they get so much catches of fish, then they must get a fair price for these catches.

Then comes, Sir, the question of occupancy rights in fisheries. Sir, I think many objections have been raised to the insertion of this clause. When the Bengal Tenancy Act was before the legislature for consideration it was contended that tenants could not acquire occupancy rights. I think the time has now come for the fishermen to claim occupancy rights and I think the time may come when the fishermen will

claim such rights and members will also find sufficient reasons or justification for granting such rights to the fishermen. It is a question of belief and disbelief—or rather a question of giving or not giving.

Then, Sir, I come to the question of settlement of fair rent. It has been stated that the Collector should not intervene and settle a fair rent. I think, Sir, that under the provisions of the Bengal Tenancy Act a person can settle a fair rent and power is vested in the judiciary to define what is a fair rent. So I have suggested that the Collector should intervene in the matter and settle what is a fair rent.

Sir, as regards the penalty for failure to pay rent, it has been stated that the rate of interest I have suggested is very low. I submit that as the fishermen are very poor people it is not desirable that they should pay a high rate of interest.

Sir, I am fully convinced that the Bill will give substantial relief to the fishermen of Bengal and with these observations I oppose the motion for circulation.

The motion that the Bill be circulated for the purpose of eliciting opinion thereon by the 31st January, 1937, was put and agreed to.

Tanks Preservation and Construction Bill, 1936.

Mr. NARENDRA KUMAR BASU: Sir, I beg to move for leave to introduce the Tanks Preservation and Construction Bill, 1936.

The question that leave be granted to introduce the Bill was put and agreed to.

The Secretary then read the short title of the Bill.

Mr. NARENDRA KUMAR BASU: I beg to move that the Tanks Preservation and Construction Bill, 1936, be taken into consideration.

The object of the Bill is a very simple one and the real operative section is section 4. In my Statement of Objects and Reasons I have stated that the Bill aims at the improvement of the *bundhs* and tanks, which are the principal sources of irrigation in West Bengal and have mostly gone out of use. Since I put in this Bill more than a year ago (I may say in passing, that I have been waiting for a year for the sanctions of the Governor General in Council and the Governor of Bengal and those sanctions have been obtained after a great lapse of time), I have been making enquiries and learnt that not only in West Bengal but also in North Bengal there are many tanks (MR. P. N. GUHA: Eastern Bengal also:) (I am glad of that.) which ought to be preserved and improved for the purpose of irrigation and of sanitation. I shall probably be told that Government do not want piecemeal legislation. As a reply to that the House will remember our very splendid achievement in passing the Bengal Development Act. We have had legislation for the purpose of developing Bengal and another provision

for a contour survey over some part of the province. Then we have the other achievement, namely, the Bengal Waterways Improvement Act. I remind the House of all these Acts in order to show that the Government machinery does not only move slowly but very very slowly indeed and that for the purpose of benefiting the people of the country I am afraid that the Government mill sometime stops dead. As you will find from the Statement of Objects and Reasons that in one single district of Bankura, from which the dissentient voice against the introduction of this Bill comes, in April, 1935, at a conference of union boards in Bankura district which was presided over by the District Magistrate a resolution was passed asking for legislation on the lines indicated in the Bill. During the course of a visit to Bankura, which I paid at the end of August last, I found out from the people who ought to know that the people of Bankura really want a measure of this description and I am sure the people of other districts in Bengal would welcome this measure. I am cognizant of the fact that the Bill is not a perfect one, not having the resources of Government at my disposal, and there may be many loopholes here and there; but the principal object of the Bill is stated in clause 4 of the Bill. "If the Collector after such enquiry as he considers necessary is of opinion that any existing tank in his district requires improvement or it is necessary to construct a new tank he may make an order in writing, recording his reasons, that the improvement shall be effected or a new tank shall be constructed in any village and may ask the union board within whose jurisdiction the tank lies or a new tank is to be constructed to carry out the improvement or construct the tank."

Tanks are necessary in many districts in Bengal not only for irrigation purposes but also for the purpose of having pure drinking water. If there is one thing which is lacking in the Bengal villages it is pure drinking water and if we can provide pure drinking water for the villages I should have thought Government would welcome this measure. I still do not know the attitude of Government so far as this Bill is concerned. So far, I see they have not tabled any motion for circulation of this Bill at this last session of the Council, or any other dilatory measure. I take it therefore that their professed sympathy is not lip-deep only. So far as the provisions of this Bill are concerned I claim the sympathy of not only non-official members of the House, but also of Government in the Departments of Local Self-Government, Sanitation and Irrigation. With these few words I commend my motion to the acceptance of the House.

Rai Bahadur SATYA KINKAR SAHANA: I rise to oppose the Bill. It is an irony of fate that I who cried myself hoarse for the improvement and preservation of tanks in this province for the last 3 years have got to oppose this Bill. In the beginning I may say that I

must give credit to the father (I may say the godfather) of this Bill for the plausible and noble object of this Bill. I hold with him that unless the tanks and *bundhs* be improved Bengal cannot be brought back to its former prosperity. Tanks and *bundhs* do not at present contain a fraction of the volume of water that they used to contain before. If they can be improved they will contain a greater volume of water and better quality of water and they will supply water for drinking, irrigation and other purposes in rural areas greatly improving their condition. But the Bill has been drafted in such a way that I have no choice but to oppose it. We all know that the present deplorable condition of the tanks is due to the innumerable number of co-sharers of the tanks who are at loggerheads. In this Bill the owners and co-sharers have been left out altogether. I do not know whether we are going to have a Soviet Russia in this country. In this Bill the proprietary right has been ignored altogether. The Collector when he finds that a tank is to be improved he will order the union board and the union board will do all these things. The members of the union board or most of them are interested in the very same tank. I do not know why the Collector should be saddled with Hitlerian powers also so that he may do anything and everything. I do not know why the father of this Bill who is very averse to giving rule-making powers to Government should give them more than 16 annas rule-making power in this Bill. I have a shrewd suspicion that this is a device to make the union boards odious. There is a class of people in the country who do not like these union boards and who opposed the introduction of union boards and do not like the continuation of the union boards. This is a device to make the union board odious and to make the life of the Collector unbearable. I consider that if this Bill is passed into law it will instead of supplying drinking water will light a fire in the rural areas, the fire of conflict and of litigation which may cook the meat of the lawyers very sweetly but will consume the life blood of the rural people.

With these few words I oppose the Bill.

Mr. P. N. GUHA: Sir, I do not think there is anyone in this House who will not have full sympathy with the provisions of this Bill. The mover of the Bill has said that he has visited certain parts of the Burdwan and the Presidency Divisions and found that people were simply dying for want of pure drinking water. As an Eastern Bengal man I can assure the mover that the same condition is in full swing in Eastern Bengal where at one time the people had plenty of pure water to drink. The moribund condition of the rivers and navigable *khals* has brought in the scarcity of water. Want of drinking water is being felt in every village, every hamlet and every town. I know that the union boards and district boards have got powers to excavate tanks wherever necessary but these machineries move very slowly. So I

think it is high time both for the Government and the people to device some means by which ample provisions for pure drinking water can be made. I don't know if the provisions of the Bill as drafted by my friend Mr. Narendra Kumar Basu will meet all the requirements, but I take it for granted that as it has been drafted by such a distinguished lawyer as the President of the Bar Association, it has no fault. In all probability we will be told by the Government that they want to bring in a comprehensive measure in a year's time. But the need for a measure of this nature has not been pointed out to Government only to-day; I have been myself crying hoarse over the necessity of pure drinking water in this province but nobody has paid any attention to it. The Bill whether it should be passed in its present form or it should undergo some modification is quite another matter and I leave that to be settled between Mr. Narendra Kumar Basu and the Treasury Benches but I maintain that this Bill has not been brought too soon. It ought to have been brought earlier. It has been pointed out by Mr. Narendra Kumar Basu himself that the Bill has been brought in rather late and so I hope and trust that if for any technical reason it cannot be accepted to-day, the debate that will take place and the opinion of this House will be very plainly recorded to show that the time has come when some provisions should be made for pure drinking water.

With these few words I support the principles underlying this Bill.

Mr. J. B. KINDERSLEY: I rise to oppose the Bill not because I do not think there is no need for legislation to provide for the improvement and reconstruction of irrigation tanks in Bengal but because the Bill as it has been drafted has many faults. I am going to ask the mover after I have explained to him the details of the Bill, which we have under preparation to withdraw. Tanks, irrigation tanks as opposed to drinking water tanks as my friend Mr. P. N. Guha was saying were in the past constructed as works of religious duty by zemindars. But they have been allowed to fall into disrepair. Nobody has repaired them and Government have realised for a considerable time that some steps should be taken and taken early to improve the conditions of these tanks to give facilities for irrigation more particularly in what may be described the famine districts of Bengal, that is, Birbhum, Bankura, Burdwan and to a smaller extent Murshidabad, Midnapore and Hooghly, in fact in West Bengal more particularly than anywhere else. When the Rural Development Act was being drafted, the possibility of including in that Act a clause to deal with the reconstruction of these irrigation tanks was considered, but there are not hundreds, there are not thousands, you may say there are millions of these tanks in Bengal and each one represents a separate irrigation work. To apply the Development Act to such an enormous number of separate small irrigation works seemed impracticable, and for that reason they

were left out from that Act. If you will remember, in that Act the levy of a rate depends on the work having been carried out by Government. It is the duty of Government to carry out large and comprehensive schemes, but small schemes which may irrigate perhaps 20 or 200 acres concern more the proprietors or the cultivators of the land than the Government. For that reason we could not include them in the Development Act though we tried. Before the last famine or scarcity from which we suffered in West Bengal possibly the real value of these was not appreciated, but during the monsoon of 1935-36 and 1936-37, that is, the one which has just gone, there has been such a serious shortage of rainfall that even those of these tanks which were in use contained no water, and a great deal of the relief work that has been done has been work carried out to improve these irrigation tanks and *bunds* in the hope that they might be some form of insurance for the area in future. The importance of this was brought forward by the Additional Commissioner and he outlined briefly the lines on which he considered action should be taken.

I will first try to explain why Mr. N. K. Basu's Bill is unacceptable. In the first place, it is very doubtful whether the union board is the proper authority to execute such work. In the second place, the use of compulsion for the construction of new tanks seems a little ill-advised. It means the purchase of lands at considerable expenditure, while there are possibly a large number of existing tanks which, if resuscitated, would serve the purpose. When a tank or *bund* is privately owned, should not the owner of it, whose primary duty it obviously is, put it in a state of repair? Mr. Basu's Bill gives him no opportunity. The Collector passes an order and asks the union board to carry it out, but I may say that it appears inopportune because the rest of the clauses compel the union board. Then the Bill commits Government to indefinite financial liability in the shape of loans to union boards. Further, it provides for no means for the liquidation of those loans. Admittedly there is a rule-making clause which is very comprehensive, but I think in an Act of this kind there should be some provision for the liquidation of the cost that has been incurred. There is also no provision in the Act for the method of assessment of the rate to be realised based on the benefit procured.

I will now try and indicate the lines on which Government have drafted a Bill, but it is only in the draft form and the idea is that when the draft is complete, it should be published so that public opinion may be elicited with a view to place it before the new Government and bring it forward at a very early date after they have taken charge. The Collector is being empowered, when he considers that an irrigation tank should be reconstructed, to serve a notice on the proprietor specifying what improvement should be done and the time within which it should be carried out. If he fails to do the work within that time, the Collec-

tor will declare the tank to be a derelict irrigation tank and then he may require an irrigation society or a union board to enter upon it or he may himself enter upon it as an excavator. He would take complete possession of the tank. Should it be a tank in which cultivation has actually taken place and the land has been leased out by the proprietor, the cultivators would be compensated not at the expense of the Government, nor at the expense of the excavator but at the expense of the man who has taken *salami* and received rent from the cultivator for the bed of the tank which was originally for the benefit or irrigation. When the work has been carried out, the excavator, who may be a society or a private individual or some local body, will have possession of that tank for a definite period of 15 years. It will not exceed 15 years, but he will have possession for 15 years and during that time he will be allowed to realise rent by leasing out the tank. He will have power to realise rent for fishery and the water of the tank, and in addition he will be empowered to realise a levy by way of a water rate for the use of the water from that tank. Now, it may be objected that many cultivators in their *kabuliyats* have already a right to use the water from that tank. Yes, but they are not getting any water from it in not having the tank resuscitated. Therefore, it has been also suggested that we should provide in the Bill that those cultivators who have an existing right to get irrigation water from the tank shall be first given water provided they are willing to pay a rate to be fixed by the Collector, and that rate will be fixed by the Collector at such a figure as to give a reasonable return on the money *plus* his initial capital outlay. That rate will give him a return of his capital outlay within that period of 15 years giving back his capital. So, at the end of that 15 years he will not lose money. Then, there are bound to arise disputes about the use of water, and we have provided for the decision of those disputes. For the boundaries of the tanks we have provided for the Collector to define what the boundaries are. It is possible that there may have been a lessee under the proprietor and during the period of occupation by the excavator that lessee would be put out of possession. The proprietor will be entitled to some rent from that lessee, but the lessee may say "I have not got the tank; so I cannot pay". The proprietor may say "because you have taken possession, I cannot get the rent". We have provided that from the proceeds the excavator gets out of the tank he should pay, if necessary, a nominal sum to the proprietor. So, he will not be a loser.

I think Mr. Basu appreciates the clauses of this Bill which has been drafted. Government would have introduced it in this session of the Council had it been possible. So, I must ask Mr. Basu to withdraw his Bill.

Mr. NARENDRA KUMAR BASU: Sir, our Government is thorough: of that there can be no doubt. Having waited I do not know for how

many decades for a Bill of this description, they have now at last waked up from their slumber and they are incubating a Bill which shall be thorough. Sir, from the provisions of the Government Bill that have just been outlined by Mr. Kindersley, I am sure my friend Mr. Sahana will be satisfied. His complaint is that in my Bill the landlords have been left out, that is to say, I said only those people who will have profited by the new tank should pay. Now the landlords will be made to pay under the Act and my friend will be satisfied. The other outlined scheme is that if they do not pay, they will be expropriated. I am glad, because Mr. Sahana talked glibly of the landlords and he talked of the Soviet Russia and other things very eloquently and I am sorry that he also gave utterance to a shrewd suspicion that my Bill, is a device to make the union boards odious. I do not know where he got that suspicion from. I am quite sure that nobody, unless absolutely put blind, will read in this Bill any attempt to injure the union boards.

Speaking for myself, I confess that there are obvious gaps in this Bill. As a matter of fact, I do not mind confessing that when I put it in more than a year ago, I thought we would have more than one session of this Council to examine this Bill and more than one day for the matter of that, and I thought that the Bill would pass on to the Select Committee where all these obvious gaps would be filled in. But situated as we are to-day, the last non-official day in the last session of this Council, I might say in passing, whose death has been long overdue, I am afraid I have no other alternative but to trust to the benign Government to put in their Bill, and I therefore beg leave to withdraw my Bill.

The Bill was then, by leave of the Council, withdrawn.

The Bengal Cess (Amendment) Bill, 1936.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I beg to move for leave to introduce a Bill further to amend the Cess Act, 1880.

The question that leave be granted to introduce the Bill was put and agreed to.

The Secretary then read the short title of the Bill.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: I beg to move that the Bengal Cess (Amendment) Bill, 1936, be taken into consideration.

Sir, as the time fixed for the discussion of non-official Bills is so very short and as there are other important measures to discuss, I shall be as brief as possible. The object of this Bill, as I have stated in the Statement of Objects and Reasons, is to do away with the injustice

done to the landlords, —I mean those landlords and zemindars who pay rates and revenue direct to Government. This has been due to the ignorance of the Valuation Officer or the Deputy Collector in charge of valuation. It is known to the House that after the Permanent Settlement, 12 *kists* had been fixed for the payment of revenue. Later on, it was found difficult both for the Government and for the zemindars to pay monthly *kists*, and with the consent of both parties and with the sanction of the Secretary of State, the *kists* had therefore been reduced to four, that is to say four quarterly *kists*. At the time of fixing these four quarterly *kists* care had been taken that the well-established principle be followed, namely, that the *kist* of a certain quarter should be paid from the collection of previous *kists* of tenants. To be more clear, I may say by way of illustration that the *kist* of the 28th June should be from the collections of the *Chait kist* of tenants. This principle has been adopted and followed not only in spirit but also to letters. When the Cess Act was first introduced, the same principle had been adopted and followed very closely and the first *kist* was fixed in September 1871 for the payment of cess by the zemindars to the Government treasury, whereas the first *kist* for the tenant was fixed for the 30th of Ashar, that is a few months before. That arrangement worked very well—very satisfactory for the time being. But unfortunately, laterly, through the ignorance of the Cess Valuation Officers who do not care to follow the well-established principle and have lost sight of it, the first *kist* for the payment of cess is fixed on the 28th June for the zemindars and 30th Ashar for the tenants after a revaluation, that is to say 20 days later. By their action they have done great hardship to the landlords as a class, and this hardship has been further enhanced by the passing of the new amending Act where the question of rebate has been dealt with. The amended section 45(*1*) provided that if the instalment of cess is paid in full on or before the "due date" a rebate of 5 per cent. is granted. Under section 53 of the Bengal Tenancy Act the rent payable by "the tenants shall be paid in four equal instalments falling due on the last day of each quarter of the agricultural year." Under Rules 110 to 112 of the Bengal Cess Manual, 1927 (pages 97 to 98), the latest dates of payment for revenue paying estates are on the 28th June, 28th September, 12th January and 28th March, whereas under section 42(*3*) of the Cess Act, the latest date for the payment of cess "of a rent-paying tenure or of a cultivating *raiyat* will be in instalments as provided under section 53 of the Bengal Tenancy Act as referred to above and will be in proportion of the instalment of the rent in respect of tenure or holding." Thus the latest dates for the payment of cess for a tenure-holder are on the 14th July, 14th October, 14th January and 14th April corresponding to 30th Ashar, 30th Ashwin, 30th Poush and 30th Chaitra; that is, 16 days behind the dates for the payment of cess by landlords. Thus, if a tenant pays punctually within his "due date" he is allowed a rebate of 5 per cent. But if a landlord remits the cess after collecting

the cess from his tenants along with his own share of cess, he will not be allowed any rebate, as his "due date" is over by 16 days before tenants' "due date." According to sub-section 45 (*1*) (*a*) of the Cess Act, a period of 30 days' grace has been allowed. There are two ways by which this injustice or the evil can be eradicated. Firstly, by amending the section 45 of the Cess Act as proposed by me, so as to include the period of grace of 30 days, as provided in section 45 (*1*) (*a*) within the meaning of the term "due date" and secondly, by framing a rule, so that from the next valuation the first *kist* should be in September for zemindars and for tenants it should be in Ashar, corresponding to July. If this can be done I think there will be no cause for complaint by anyone. If the Government can assure the House that they will accept one or other of the two methods I have suggested, I shall be very happy to withdraw my Bill. With these remarks, Sir, I move my motion.

Mr. J. B. KINDERSLEY: I rise to oppose the Bill as it stands for very obvious reasons. I will first of all make an explanation as to the realisation of cess, after which I hope my friend the Raja Bahadur will, as he says, withdraw the Bill that he has moved. This Bill purports to give the zemindars an extra 30 days for the payment of their cess. When the cess was first introduced it was payable half-yearly. Then, in order to give some relief to the zemindars it was made payable on the latest date of payment, namely the 28th June, 28th September, 21st January and 28th March. This would give them another 30 days' grace and would still further delay the realisation of the cess. The effect of that would be that the cess which is now payable to revenue on the 28th March would be payable in the following financial year. This, I am afraid, will produce a great deal of chaos. District boards will find their income shortened for one particular year, because the cess of that year would be suddenly deprived of perhaps the biggest *kist* of the whole lot. So this would not be an acceptable arrangement.

In the second place, if the history of cess is carefully examined the Raja Bahadur's contention that the zemindars are paying in advance of their receipts from tenants is untenable. It may be so in cases where tenants are not paying punctually. But when they do pay punctually the zemindars pay the cess at a date later than the date when the cess is realised by them. I admit that there has been a mistake made in the past in that after revaluation of cess the new cess has been put into force from the beginning of the financial year instead of from the beginning of the agricultural year as it should have been. The result of that has been that where there has been a revaluation the first instalment of the cess at the revalued figure has been realised on the 28th June instead of on the 28th September. So when cess was first introduced in 1871 the Act was put into force from the 1st

October of that year; but in order that landlords should have time to realise something, from their tenants, tenants were made to pay one quarter's cess with the first due subsequent to the 1st October, that was on the 14th October so that on the 14th October 1871 the tenants paid one quarter's cess. The proprietors however were not required to pay anything until January next year, so that from the very beginning of the history of cess you will find that the proprietors were paying three months later than the date at which they realised the cess from their tenants. As I have pointed out earlier, in addition to that, instead of realising twice a year it was decided to realise in four instalments, and the realisation of cess under the new arrangement would involve further delay. Therefore the contention of my friend the Raja Bahadur is untenable. Actually, the cess which the proprietors pay to Government as due on the 28th of June is the cess which they should have realised from their tenants with the last *kist* of the previous agricultural year, or the Bengali year, that is on the 14th April, so that he has had from the 14th April till the 28th of June in which to collect a certain amount of arrears which he was not able to collect by the 14th of April, but he has not paid anything in advance. I am afraid that it is this misunderstanding of the law that has not only made the Raja Bahadur suffer from a slight misapprehension but has also resulted in mistakes in the realisation of the revalued cess in the past, and it is proposed that the rules should be amended to make it clear that after revaluation the first instalment at the new rate shall be realisable on the 28th September and not before. So I hope that after this assurance that I have given to the Raja Bahadur he will withdraw the Bill.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: As the Revenue Secretary on behalf of Government has accepted one of my suggestions and has assured the House that rules will be such framed that from the next revaluation the first *kist* of cess to be payable by the zemindars will be on the 28th of September and for the tenants will be on the 30th Ashar, corresponding to 15th July, I beg leave to withdraw my motion.

The Bill was then by leave of the Council withdrawn.

The Bengal Weights and Measures of Capacity Bill, 1936.

Maulvi ABDUL HAKIM: I beg to move for leave to introduce the Bengal Weights and Measures of Capacity Bill, 1936.

The question that leave be granted to introduce the Bill was put and agreed to.

The Secretary then read the short title of the Bill.

Maulvi ABDUL HAKIM: I beg to move that the said Bill be taken into consideration.

Sir, at this stage I shall say only a few words in support of my Bill. I have brought forward this Bill for the immediate adoption of a uniform system of weights and measures of capacity derived from the *pucca* seer only, in the whole area of our province. I have shown in the Statement of Objects and Reasons how the vast majority of the people of this country, who are mostly illiterate, are being cheated by many shop-keepers, especially by grocers, in almost all parts of this province. These shop-keepers or grocers use two sets of weights. The standard of one set is called the *pucca* seer and the standard of the other set is called the *kutcha* seer. These seers are derived from the uniform *tola* but it is curious that the seer of one set is different from the seer of the other set in magnitude though almost similar in form. You all know what a *pucca* seer is and what a *kutcha* seer is. The *kutcha* seer consists of 60 *tolas* and the *pucca* seer consists of 80 *tolas*. Those who have gone through the Statement of Objects and Reasons of this Bill cannot deny that there is no necessity at all why the shop-keepers should keep two sets of weights—*kutcha* and *pucca*—side by side, in their shops to cheat the simple or illiterate people, who cannot distinguish between these two sets of weights. I have mentioned in the Statement of Objects and Reasons that I have framed this Bill almost on the lines of the Central Provinces Weights and Measures of Capacity Act of 1928. The little difference between the said Act and my Bill is that the Central Provinces Act provides for the gradual adoption of a uniform system of weights and measures of capacity while my Bill provides for the immediate adoption of the same by making penal provisions for shop-keepers using other kinds of weights and measures of capacity not authorised by this Bill.

Sir, an English tea merchant who sells or exports tea in foreign weights such as pounds and ounces, etc., may not find any difficulty in introducing the primary standard of weight suggested in the Bill, I mean the *pucca* seer, which has been recognised in the Railway Department and Government offices throughout India. When the tea will be exported to foreign countries, those countries may sell this particular thing in their respective country in their own equivalent weights. The medical professioners may receive foreign medicines in foreign weights but as soon as they would sell these medicines in this country they may sell their medicines in seers, *tolas*, *ratis*, or *mashas* which are nothing but integral multiples or sub-multiples of the unit of weight under this Bill.

Sir, it would cause curiosity to my colleagues here, to know that Indian currency notes, gold and silver coins are used by Indian pilgrims in Mecca and other cities in Arabia when they go there for making pilgrimage. How is this possible, Sir? If this thing is possible, I see no reason why tea planters and medical professioners would feel any difficulty in adopting the suggested uniform system of

weights in their business. I do not attach much importance upon the standard of measure of capacity, because villagers too use earthen pots or baskets for measuring paddy, oil, milk and other commodities and they can easily detect the wrong weighing of the seller by comparing the pots or baskets of the sellers with their own.

Sir, I have got the previous sanction of the Governor General for introducing this Bill as intimated to me by the letter of the Legislative Department, dated 31st January, 1936. So there is no legal bar to the passing of this Bill. I have already said that I have drafted this Bill on the lines of another Act of the same nature which is probably current in the Central Provinces and have also consulted some senior pleaders and hence I do not think it necessary to refer it to Select Committee. There may be one or two petty defects but these can be cured on the floor of the house. Every one knows that the amended Bengal Tenancy Act is the worst possible Act in the whole statute book of British India, but still that Act has been in operation for a number of years. No doubt there is an All-India Act which is an attempt to introduce standards of weights and measures of capacity throughout India but that Central Act does not and cannot solve the peculiar difficulties of different provinces in India.

Sir, I may mention here that the standard of weights and measures in India has been urged by many important bodies and this Bill, too, has been highly commented upon by important bodies, such as the Bengal Chamber of Commerce, the Marwari Association, the Moslem Chamber of Commerce, as well as important newspapers, such as the *Amrita Bazar Patrika*, the *Statesman*, etc. With these words I appeal to the Hon'ble Minister in charge as well as to the members of this House to give their due consideration to the Bill and to have it passed at this session.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, I rise to oppose the Bill. I should like to make it clear that Government have got every sympathy with the principle underlying this Bill, but they find it difficult in accepting it in the form in which it has been introduced or to amend this important statute without further examination.

Sir, this question has been pending before Government since 1913. In 1913 Government decided to introduce a Bill for bringing about uniformity in weights and measures but they decided to postpone the introduction of that Bill in order to give the Committee that was appointed by the Government of India time to report on this subject. The Committee reported in 1914 and the Government's views were published in the form of a resolution. But in the meantime the Great War broke out and Government thought it would not be safe to introduce a Bill to bring about a uniformity because it might lead to further difficulties and the matter had to be postponed *sine die*. So I may repeat that Government have got every sympathy with the object of

the Bill but they are not in a position to accept the form in which it has been introduced or without further investigation into the subject. The hon'ble mover's Bill, he maintains, is based on the Central Provinces Act of 1928. I find that it is not so. The latest measure on the subject was the Bombay Weights and Measures Act, 1932, which is a more comprehensive measure. Any Bill seeking to remedy the existing defects should proceed on the lines of the Bombay Act (A VOICE: why?) because that is more comprehensive and deals with all the aspects of the question and tries to remove all the difficulties that have been experienced during the last few years. Sir, both these Acts, the Bombay Act as well as the C. P. Act, presuppose the appointment of a large supervising staff to give effect to their provisions and I may mention for the information of the House that on account of financial difficulties the C. P. Government could not give effect to their Act. The Bombay Government have introduced their Act in certain parts of the province and the whole Act is now in an experimental stage. It is too early to infer that the Act has proved a success. It is not a fact that the Chamber of Commerce and public bodies, who were consulted on this Bill, all agreed that the Bill before the House goes far enough and should be accepted by Government. On the other hand, they seem inclined to the view that the Bill is not comprehensive enough; moreover, it introduces certain complications which may make the confusion worse confounded. For example, the hon'ble mover proposes to introduce the French Standard of Kilogram, which is a little more than the English pound and any measure or weight based on Kilogram will be 10 per cent. more than the existing weight. These are complications which require very great and detailed examination and study before Government would be justified in giving their support to the Bill introduced by the mover. Sir, I do not for a moment deny that it is high time that the matter should be taken up and the defects remedied, but it should be done properly and thoroughly, not through a half-conceived measure. So I would request the House and the hon'ble mover to realise the difficulties that may arise through the placing on the statute book of a Bill the implications of which have not been properly realised or considered. The object of the mover is no doubt laudable, but the effect may be just the other way. Sir, just to illustrate my point, I would refer to certain provisions in the Bill which may bring about confusion; for example, the Bill in one clause seeks to introduce the amendment immediately; in another clause there is a provision which suggests that it should be brought into force after six months. There is no provision for maintaining the standard weight or the weighing machine, which are provided for in the Bombay Act. My hon'ble friend in his enthusiasm and anxiety to remove the difficulties experienced by the agriculturists has tried to copy the C. P. Act, as he says; but we find that he has really followed the ancient Act of the Government of India of 1871 which has become an anacronism

and any new amending Bill based on the Act of 1871 will not serve our purpose. So Government would like to have time to go into the whole question very carefully and thoroughly, to consult legal officers and local bodies interested in the question before drawing up a Bill—a Bill that will remove the difficulties and set the questions at rest for sometime to come. It is no doubt desirable that measures should be introduced for giving protection to the illiterate agriculturists and dealers who are liable to be cheated by persons who are out to make money by other than honest means, but no hasty steps should be taken because hasty steps would not be proper or adequate. With these few words I would request the hon'ble mover to withdraw his Bill. I congratulate him on his foresight, on his public spirit, in introducing this Bill, but I hope he will realise the difficulties and the object which prompts Government to oppose this measure.

Maulvi ABDUL HAKIM: Sir, the Hon'ble Minister in charge has pointed out that there are some defects in my Bill, but I submit that these few petty defects, if any, may be cured on the floor of this House. The Bill is very important and should be passed at once. With these few words I leave the fate of my Bill before the House.

Sir, I regret that in spite of the explanation of the Hon'ble Minister in charge, I am the last person to ask for leave to withdraw the Bill.

The motion that the Bill be taken into consideration being put, a division was taken with the following result:

The Ayes being 17 and the Noes 46, the motion was lost.

AYES.

Ali, Maulvi Hassan.
Banerji, Mr. P.
Chowdhury, Maulvi Abdul Ghani.
Fazlullah, Maulvi Muhammad.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Khan, Mr. Razaur Rahman.
Khan, Maulvi Tamizuddin.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nagendra Nath.
Sadeque, Maulvi Mahamad.
Samad, Maulvi Abdus.
Suhrawardy, Mr. H. S.
Tarafder, Maulvi Rajib Uddin.

NOES.

Banerji, Rai Bahadur Keshab Chandra.
Barma, Babu Promhari.
Basu, Babu Jatindra Nath.
Bose, Mr. S.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chatterjee, Mr. S. C.
Cohen, Mr. D. J.
Das, Babu Guruprasad.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. S. S.
Edgley, Mr. H. G. A.
Elcock, Mr. James.
Faroqui, the Hon'ble Nawab Sir Mahiuddin, Kt., of Ratanpur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Babu Profulla Kumar.

Guha, Mr. P. N.
Hooper, Mr. G. G.
Hussain, Nawab Musharruf, Khan Bahadur.
Jenkins, Dr. W. A.
Khan, Maulvi Abi Abdulla.
Khan, Khan Bahadur Maulvi Hashem Ali.
Kinderaley, Mr. J. B.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brajendra Lal.
Mullick, Mr. Kartick Chura.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Khwaja Sir.
Porter, Mr. A. E.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Roy, Mr. Sarat Kumar.
Sahana, Rai Bahadur Satya Kinkar.
Sasmoos, Mr. R. M.
Sen, Rai Bahadur Akshoy Kumar.
Sen, Rai Bahadur Bris Chandra.
Singh, Srijut Taj Bahadur.
Sinha, Raja Bahadur Bhupendra Narayan, of Nashipur.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Stead, Mr. Eric.
Walker, Mr. W. A. M.
Woodhead, the Hon'ble Sir John.

Adjournment.

The Council was then adjourned till 2 p.m. on Friday, the 27th November, 1937, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 27th November, 1936, at 2 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 93 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Carriage hire for jurors, Rajshahi Court.

*49. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware—

(*i*) that the Rajshahi court is situated at a distance of over three miles from the town of Rajshahi; and

(*ii*) that the jurors summoned to attend the Sessions Court have invariably to spend carriage hire to go to the court?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of issuing instruction to the District Magistrate to sanction a reasonable amount as carriage hire expenses of the jurors?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) Yes.

(*ii*) Government understand that this is usually the case.

(*b*) No. Jurors who reside at a distance of more than five miles from the court are covered by the existing rules as regards the payment of allowances.

Babu KISHORI MOHAN CHAUDHURI: Will the Hon'ble Member be pleased to consider the question of paying allowances to those jurors who reside within five miles?

The Hon'ble Sir BROJENDRA LAL MITTER: No complaint has been made on this score, and therefore no such question is under the consideration of Government.

Petty settlement operations in Noakhali.

*50. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) when did the last petty settlement operations take place in the district of Noakhali;

(*ii*) when was it made final;

(*iii*) how many land settlement cases were started under the Noakhali *Khas Mahal* from 1929-30 to 1935-36, year by year, in each of the circles; and

(*iv*) what was the quantity of lands in each settlement cases (with settlement case number)?

(*b*) Will the Hon'ble Member be pleased to state the quality of lands settled in each of the cases found at the time of settlement?

(*c*) Is it a fact that in Tauzi No. 1853 of settlement case Nos. 98-99 of 1929-30, 84 of 1930-31, 25-83-86-118 of 1931-32 and settlement case Nos. 42 of 1931-32 and 35 of 1932-33 all the lands found to be unfit for cultivation?

(*d*) Is it a fact that application for surrender of lands unfit for cultivation were invited? If so, when and under whose orders?

(*e*) Is the Hon'ble Member aware that several persons submitted petitions of conditional surrender of lands?

(*f*) If so—

(*i*) how many of them have been granted; and

(*ii*) how many of them have been rejected?

(*g*) Is the Hon'ble Member also aware that no information has been given to the parties of the result of the cases in (*c*)?

(*h*) Is it a fact that in several cases where conditional surrender petitions had been granted certificates have been issued also?

(*i*) If the answers to (*f*) and (*g*) are in the affirmative, will the Government please state who is responsible for this?

(*j*) With reference to holding Nos. 191 and 731 within Tauzi No. 1853 under the Noakhali *Khas Mahal* will the Hon'ble Member be pleased to state whether they were sold and leased to other persons in spite of the fact that the holders had paid their rents?

(*k*) If the answer to (*i*) is in the affirmative, will the Hon'ble Member be pleased to state whether the Government are considering the desirability of holding an enquiry into the matter?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) (*i*) From 1928 to 1936.

(*ii*) They have not yet been made final in all estates.

(*iii*), (*iv*) and (*b*) The information cannot be given without an unjustified expenditure in time and money.

(*c*) Case No. 35 of 1932-33 does not relate to estate No. 1853. Some of the lands were not fit for cultivation when tenants applied for settlement, but they anticipated that they would be fit within a very short time.

(*d*) Yes, from 3rd February to 12th April, 1935, under order of the Board of Revenue.

(*e*) The law does not provide for conditional surrender.

(*f*) Does not arise.

(*g*) It is the duty of the parties concerned to apply for the information and not the duty of the Collector to give it gratis. In these cases, however, the result was communicated to the parties.

(*h*) If the tenant surrendering is in arrears such arrears are legally realisable by certificate.

(*i*) Does not arise.

(*j*) No.

(*k*) There is no ground for holding an enquiry.

Barisal Co-operative Central Bank, Limited.

*51. **Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether Mr. A. E. Porter, I.C.S., Joint Secretary, Co-operative Department, received from Mr. I. B. Gupta, of Barisal, a letter dated the 6th November, 1935, alleging certain illegalities and irregularities done by the Barisal Co-operative Central Bank, Limited, and supported by the department with enclosures in support of the allegations?

(*b*) Is it a fact that the Local Inspector of Co-operative Societies was ordered to report about the correctness of those allegations contained in the letter mentioned above?

(*c*) Did the Inspector submit a report?

(*d*) If so, does the report confirm the allegations?

(*e*) If the reply to (*d*) is in the affirmative, will the Hon'ble Minister in charge be pleased to state what steps were taken in the matter?

(*f*) If steps have not been taken, what are the reasons?

(*g*) Will the Hon'ble Minister in charge be pleased to lay on the table the said letter of Mr. I. B. Gupta, and the report of the Local Inspector of Co-operative Societies, and also the relevant portion of the Divisional Auditor's report, if any, on the matter?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (*a*) Yes.

(*b*) and (*c*) No, but an enquiry was made and a report submitted by the Divisional Auditor.

(*d*) to (*g*) Copies are laid on the Library table of (*i*) the letter of Babu I. B. Gupta, and (*ii*) relevant portions of the Divisional Auditor's report. The report does not confirm the allegations and reveals no reason for further action. The suggestions for modification of the law or rules have been noted and will be considered when or if these come under revision.

Mr. P. BANERJI: Is the Hon'ble Minister aware that no copies were found on the Library table upto 6 minutes past two.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: This is the concern of the Council Department.

Muslims in Chittagong Judge's Courts.

***52. Khan Bahadur Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that out of 6 posts in the grade of Rs. 80—140 in the office of the District Judge of Chittagong, none is held by any Muslim?

(*b*) If the answer to (*a*) is in the affirmative, do the Government propose filling up at least 2 posts by Muslims?

(*c*) Is it a fact that out of 15 posts in the grade of Rs. 80—100 in the said office only 4 such posts are held by Muslims?

(*d*) If the answer to (*c*) is in the affirmative, do the Government propose filling up at least three other posts by Muslims?

(*e*) Will the Hon'ble Member be pleased to lay on the table a statement showing the present number of clerks and process-servers and the number of Muslims in both the services in the Chittagong Judgeship?

(*f*) Do the Government propose taking clerks and process-servers according to the percentage of the Muslim population in Chittagong?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) and (*c*) Yes.

(*b*) and (*d*) These appointments are normally to be made by promotion from the lower division and in such cases communal considerations are not taken into account.

(*e*) The numbers are as follows:—

Clerks—

Total	...	...	...	...	141
Muslims	...	...	...	...	53

Process-servers—

Total	...	...	...	...	173
Muslims	...	...	...	...	66

(*f*) Communal proportions in a particular district have never been accepted by Government as the appropriate criterion.

Bhowal Sannyasi case.

*53. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether any appeal has been filed or is contemplated in the case known as the Bhowal Sannyasi's case decided by Mr. Pannalal Bose, Additional Judge, Dacca?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state whether any portion of the expenses of the appeal will be borne by the Board of Revenue, Bengal?

(*c*) If any portion of the expenses is to be borne by the Board of Revenue, Bengal, will the Hon'ble Member be pleased to state—

(*i*) what are the means open to the Board of Revenue to recover the loss in case the appeal fails; and

(*ii*) whether the Government of Bengal has undertaken to bear any portion of the loss in such contingencies?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) An appeal has been filed.

(*b*) No.

(*c*) (*i*) and (*ii*) Do not arise.

UNSTARRED QUESTIONS.

(answers to which were laid on the table)

Sale of tenancies for arrears of revenue at Patuakhali.

29. Maulvi ABI ABDULLA KHAN: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing—

(*i*) the number of tenancies sold for arrears of revenue under the *khas mahal* in the Patuakhali subdivision of Bakarganj in the year 1936 till July;

(*ii*) the number of such sales in the year 1935; and

(*iii*) the year when the rate of rent was last enhanced?

(*b*) Is it a fact that the enhancement of rent is mainly responsible for these sales?

(*c*) Is the Hon'ble Member aware—

(*i*) that the rate of rent of the *khas mahal* tenancies is very excessive; and

(*ii*) that the tenants find it very difficult to pay the rent at the enhanced rate regularly?

(*d*) Are the Government considering the desirability of reducing the rent to its former rate?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) and (*ii*) The figures for calendar years are not available.

In 1935-36, 632 tenancies including 547 *raiyati* holdings and in 1936-37 up to the end of July, 257 tenancies including 226 *raiyati* holdings were sold for arrears.

(*iii*) Rents were settled, resulting in enhancement where they could be enhanced under the law, from time to time between 1927-28 and 1933-34.

(*b*), (*c*) and (*d*) No.

Process-servers.

30. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) With reference to the Judicial Department letter No. 3712-3732J., dated the 5th May, 1932, will the Hon'ble Member in charge of the Judicial Department be pleased to state whether the process-servers are entitled to one month's privilege leave with full pay for every year of their service?

(*b*) Are the Government considering the desirability of granting such leave to the process-servers of the district?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) and (*b*) No.

Saraswati Bridge (Triveni).

31. Rai Bahadur SATISH CHANDRA MUKHERJI: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that the bridge on the river Saraswati near Triveni has been closed to all vehicular traffic for a large number of years;

(*ii*) that the road is one leading from Hooghly and Chinsura to Triveni and is a motor bus route; and

(*iii*) that the closing of the bridge has been causing inconvenience to the public?

(*b*) Are the Government considering the desirability of constructing the bridge without further delay?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Yes, since 1931.

(*ii*) There is a motor bus route along the road but it was never allowed over the bridge which is a suspension bridge.

(*iii*) Yes.

(*b*) The bridge in question belongs to the Bansberia Municipality which is having a plan and estimate prepared for its reconstruction.

Pay of process-servers.

32. Mr. P. N. GUHA: (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state the decision of the Hon'ble High Court, Appellate Side, regarding the replies received to their letter No. 15316, dated the 18th November, 1926, addressed to the District Judges on the subject of increment of the pay of the process-servers?

(*b*) What actions, if any, on the said decision have been taken by the Government of Bengal?

(*c*) When is it proposed to give any relief in this direction?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) The replies were carefully considered by the Court, but in view of the financial stringency of the province the Court could not see its way to make any recommendation to Government in the matter.

(*b*) and (*c*) Do not arise.

Warnings about cyclones.

33. Dr. NARESH CHANDRA SEN GUPTA: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that there is a standing order of the Government issued in 1919 by which the Meteorological Officer is required to issue warnings about cyclones to all District Officers of districts likely to be affected thereby?

(*b*) If the answer to (*a*) is in the affirmative, was such warning issued by the Meteorological Officer to the District Officers of Faridpur, Tippera and Pabna in connection with the cyclone which passed over or affected those districts on the 26th to 28th May, 1936?

(*c*) If such warning was issued, did the District Officers notify the warning by beat of drums?

(*d*) If no warning was issued to those districts, what are the reasons?

(*e*) Is it a fact that for some years past warnings regarding Nor'westers have been issued to the Bengal districts by the Meteorological Office at Alipore?

(*f*) Have the Government ascertained how far such warnings have been accurate or otherwise in each of the years 1934, 1935 and 1936?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to make a statement about the reports received?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes.

(*b*) Warnings were issued on the occasion to the officers of the districts of the Presidency and Burdwan Divisions over which the central region of the cyclone was expected to pass, but not to the officers of the Faridpur, Tippera and Pabna districts which lay outside the danger area of the disturbance.

(*c*) The District Officers in the Presidency and Burdwan Divisions notified the warning as widely as possible by various means and in most cases by beat of drum.

(*d*) According to the standing orders of Government warnings are to be issued to the District Officers when a cyclone is violent and is expected to entail "Great Danger" to their districts. The disturbance under reference had weakened after passage inland into the Presidency

Division and was not such as to warrant the issue of an alarming "Great Danger Warning" to the District Officers of Faridpur, Tippera and Pabna.

(*e*) Yes.

(*f*) Sufficient statistics are not available to ascertain the percentage of accuracy of Nor'wester warnings issued during the years 1934, 1935 and 1936.

(*g*) The question does not arise.

Ministerial officers, Sadar civil courts, Bakarganj.

34. Kazi EMDADUL HOQUE: (*a*) With reference to the replies given on the 30th March, 1936, to unstarred questions Nos. 48 and 49, will the Hon'ble Member in charge of the Judicial Department be pleased to state now the number of ministerial officers in the Sadar civil courts of the Bakarganj district who have been serving—

(*i*) in the same station for over ten years holding the different posts? and

(*ii*) in the same station for over ten years holding the same posts?

(*b*) Will the Hon'ble Member be pleased to state the number of ministerial officers who have been transferred away from the Sadar station during the present year since the 30th March last?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) The numbers are—

(*i*) 38.

(*ii*) 2.

(*b*) 4.

Chakdars and lotdars of certain lots.

35. Mr. P. BANERJI: (*a*) With reference to the answers given on the 25th March, 1936, to starred question No. 70, will the Hon'ble Member in charge of the Revenue Department be pleased to state whether it is a fact that the lands held by the *chakdars* in lots No. 2 and 3, 6 and 7 comprise not more than 15 per cent. of the total areas of the said lots and the remaining lands are held by *raiyats* directly under the *lotdars*?

(*b*) If the answer to (*a*) is in the negative, will the Hon'ble Member be pleased to lay on the table a statement showing separately the total areas of land held by them and the areas held by the *raiyats* directly under the *lotdars* as well as tenants other than *chakdars* who are really

raiyats but whose status has been recorded as tenure-holders only because more than 100 *bighas* of land were recorded under one *jama*?

(*c*) Will the Hon'ble Member be pleased to state what safeguards are there for protecting the lands of the *raiyats* holding directly under the *lotdars* from inundation of salt water from the rivers?

(*d*) Will the Hon'ble Member be pleased to state whether the *lotdars* are liable to properly maintain the embankments of the lots in question in order to protect the lands of the *raiyats* holding directly under them or not?

(*e*) If the answer to question (*d*) be in the negative, are not the Government being the superior landlords of the *lotdars* responsible for such maintenance?

(*f*) Have the Government taken any steps for the reconstruction and maintenance of the embankments of the said lots?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) No. A statement is placed on the Library table showing the area held in each lot by *chakdars*.

(*b*) Government are not prepared to incur the labour and expense of collecting this information, which is not readily available and could only be of interest on the assumption, which Government are not prepared to make, that the record of rights is wrong.

(*c*) and (*d*) The member is referred to the answer given to starred question No. 70 (*c*) on the 25th March, 1936. In the leases on revision a clause making it clear that the *lotdars* are responsible for carrying out protective works to maintain the lot in a state fit for cultivation has been inserted.

(*e*) No. Government granted the proprietory right to the holders of these lots which are held under the Rules of 1853. The duty lies with the *lotdars*, but the absence of a clear clause in the lease of 1853 to this effect prevents punitive action.

(*f*) Does not arise.

Mr. P. BANERJI: In this case also, will the Hon'ble Member be pleased to state why no statement was laid on the Library table?

The Hon'ble Sir BROJENDRA LAL MITTER: If it is not there, it will be there soon.

Mr. PRESIDENT: Mr. Banerji made a similar complaint in connection with another question which was replied to by Sir Mohiuddin Faroqui. The statements should have been laid on the Library table. If Mr. Banerji will draw my attention to this in writing, I shall further deal with the matter. The omission is much regretted by me.

Pasture grounds, stud bulls and prime cows.

36. Mr. KARTICK CHURN MULLICK: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what steps, if any, have been or are proposed to be taken—

(*i*) for the provision of pasture grounds;

(*ii*) for the provision and maintenance of stud bulls; and

(*iii*) for the prevention or restriction of slaughter of prime cows?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*i*) The member is referred to the Press Note issued on 10th October, 1936, a copy of which is placed on the Library table.

(*ii*) The member is referred to the Resolution on the Annual Report of the Department of Agriculture for 1935-36, a copy of which is placed on the Library table.

(*iii*) The matter is under examination.

Provision for pasture lands.

37. Mr. KARTICK CHURN MULLICK: Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether the Government are considering the desirability of providing pasture lands for the protection of dry cows in Bengal?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: The member is referred to the reply given to a similar unstarred question put by him at this meeting.

Ministerial officers under the Rangpur Judgeship.

38. Mr. P. N. GUHA: Will the Hon'ble Member in charge of the Judicial Department be pleased to lay on the table a statement of the ministerial officers serving at present under the Judgeship of the Rangpur district showing separately—

(*i*) the number of those who have been serving in the same post in the same station for over five years;

(*ii*) the number of those who have been serving in the same station holding different posts for over five years; and

(*iii*) the number of those who have been in the Sadar subdivision for over ten years?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) 2—Of whom one has been ordered to be ready for transfer with effect from the 2nd January, 1937.

(*ii*) 20—Twelve of them have been ordered to hold themselves in readiness for transfer during the current year.

(*iii*) 4—Three of them have been ordered to be transferred. One is on leave and he will be transferred after the expiry of his leave.

District headquarters, Noakhali.

39. Maulvi MAHAMED SADEQUE: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) whether it is a fact that the headquarters of the Noakhali district were inundated fortnightly from 30th September, 1936, and the town was under water for several hours on each occasion; and

(*ii*) whether it is also a fact that proposed site at Maijdi was under water on the same occasion as stated in (*i*) above, for three or four days on each occasion?

(*b*) If the answers to (*a*) are in the affirmative, are the Government considering the desirability of selecting a second alternative site for the removal of the headquarters?

(*c*) Will the Hon'ble Member be pleased to state whether it is a fact that Feni was selected by several Government members and officials?

(*d*) Are the Government considering the case of Feni in the selection of a second alternative site?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) On a number of occasions during the months of August and September and the first part of October portions of the town were inundated by the spring tides, but this did not occur regularly every fortnight.

(*ii*) The portion of the proposed site which has been raised was not flooded but that lying to the west of the District Board road which has not been raised yet was frequently under water.

(*b*) Not at present.

(*c*) Government have no information beyond what is stated in paragraph 20 of the Report of the Noakhali Committee, 1933-34, an extract from which is laid on the table.

(*d*) No.

Paragraph 20 of the Report of the Noakhali Committee referred to in the reply to clause (c) of unstarred question No. 39.

20. At Feni there are two proposed sites, one at Bejoy Singh's Dighi, about a mile from the existing town. This was the position favoured by Sir William Duke in 1913 but then it was understood that all four of the banks of the Dighi would be available for buildings. Actually however this is only true of one bank as the others are occupied by Muslim graves. Other land therefore would have to be acquired and raised which is roughly estimated to cost about Rs. 2½ lakhs. The other suggested site is about 2 miles from the present town and consists of low "*tilas*" which would not require raising and the land is said to be cheap. But as a place for the headquarters of the district it will be even more inconvenient than Feni itself, which is located in a corner of the district particularly remote from most of the islands. We are unanimously of opinion that neither of the Feni sites possesses advantages sufficient to outweigh the obvious disadvantages of placing the district headquarters there.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware that some of the Government experts expressed doubts about the safety of the Maizdi site beyond 30 or 40 years?

The Hon'ble Sir ROBERT REID: As far as I remember, Sir, there was some doubt expressed by one Government officer as to the safety of the site after some period,—I cannot exactly remember the figure.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to enquire whether more than one Irrigation Engineer expressed doubts about the safety of the Maizdi site beyond a certain period?

The Hon'ble Sir ROBERT REID: The whole question is still under consideration, and no final decision has been reached.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to give a direct answer to my question whether he will enquire into the matter?

The Hon'ble Sir ROBERT REID: I have no objection to making such an enquiry, Sir.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware that the majority of the Noakhali Committee recommended the Maizdi site on the assumption that the portion of Noakhali left uneroded till then will be washed away within six months?

The Hon'ble Sir ROBERT REID: That is not correct, Sir.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state what is the correct statement about that?

The Hon'ble Sir ROBERT REID: I would refer the hon'ble member to the report of the Committee. He will find it there.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member take it from me that the majority of the Noakhali Committee, when submitting the report, were under the assumption that the portion of the Noakhali town then still existing would be eroded within six months?

Mr. PRESIDENT: You have already asked that question, Rai Bahadur.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: But the Hon'ble Member did not give me a direct reply. He only referred me to the report.

Mr. PRESIDENT: But you should not ask the very same question again. If you want to elicit any further information, you should put a fresh supplementary question on the basis of the answer given or on facts that may be in your possession.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Is the Hon'ble Member aware that Maulvi Mahamed Sadeque comes from Feni?

The Hon'ble Sir ROBERT REID: Sir; I am not aware of that.

Barisal-Faridpur Road.

40. Rai Bahadur AKSHOY KUMAR SEN: Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Provincial Road Development Board have recommended the completion of the inter-district road between Faridpur and Barisal *via* Bhanga?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No.

Maulvi TAMIZUDDIN KHAN: Will the Hon'ble Minister be pleased to state whether any such scheme is under the consideration of the Provincial Road Development Board?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: No, Sir.

Maulvi TAMIZUDDIN KHAN: Does the Board contemplate taking the matter into consideration?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: There is no scheme which can be placed before the Board for consideration.

Sessions cases at Faridpur.

41. Rai Bahadur AKSHOY KUMAR SEN: Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) how many cases were committed to the Court of Sessions at Faridpur, during each of the years 1930 to 1936 (June); and

(*ii*) how many of them were abduction cases?

The Hon'ble Sir BROJENDRA LAL MITTER: A statement is given below:—

(1) Year.	(2) Cases committed to the Sessions.	(3) Abduction cases included in column 2.
1930 ..	69	10
1931 ..	91	2
1932 ..	98	10
1933 ..	87	9
1934 ..	77	7
1935 ..	89	15
*1936 (up to June)	48	5

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Presidency-Towns Insolvency (Bengal Amendment) Bill, 1936.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to present the Report of the Select Committee on the Presidency-Towns Insolvency (Bengal Amendment) Bill, 1936.

Mr. NARENDRA KUMAR BASU: On a point of order, Sir. I find that several passages in the minute of dissent submitted by me have been edited and portions omitted. Is that in order? I should like to know who has done that, and on what authority?

Mr. PRESIDENT: Mr. Basu, the officiating Secretary informs me that he had edited your minute of dissent. I enquired as to whether he had taken you or the chairman of the Committee into his confidence. Unfortunately he did not, although he should have. If you have any real grievance, you will please bring up your minute of dissent to me, and if I find that any substantial portion or portions thereof have been omitted, I shall take such steps as I may think fit.

Mr. NARENDRA KUMAR BASU: I am afraid, Sir, it is much too late now.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg also to move that the said Bill, as reported on by the Select Committee, be taken into consideration.

The motion that clauses 1 and 2 stand part of the Bill was put and agreed to.

Clause 3.

Mr. NARENDRA KUMAR BASU: I beg to oppose the inclusion of clause 3 in this Bill. Members will see that clause 3 is an amendment to section 77 of the original Act, as it now stands. Section 77 of the Act runs as follows:—

"The Chief Justice of each of the High Courts of Judicature at Fort William, Madras, Bombay and Rangoon, and the Judicial Commissioner of Sind may from time to time appoint substantively or

temporarily such person as he thinks fit to the office of official assignee." It is now proposed by this Bill that the powers which are to remain in the Chief Justices of the High Courts of Madras, Bombay and Rangoon and the Judicial Commissioner of Sind, shall be taken away from the Chief Justice of Calcutta, and vested in the Local Government. Speaking for myself and for other members of the Bar whom I have consulted, and speaking expressly on behalf of Mr. Page at his request —we the members of the Bar do strongly object to this appointment being taken away from the High Court and made by the Local Government. In my minute of dissent which has been in the hands of members but which unfortunately may not have been read, I have pointed out that the official assignee has to do a lot of judicial work besides deciding on claims, on validity of contracts, etc., and he must obviously be an advocate of the High Court. What chance has the Local Government got of judging the merits of rival candidates for such a post? They must have the concurrence of the Chief Justice who is obviously the only person fit to judge, and to my mind, the provision in the Bill is merely a crude attempt to derogate from the privileges and dignity of the Chief Justice. Under the new Constitution, moreover, the Local Government in this case will mean a Minister who may be totally ignorant of the state of things in the Bar and in Calcutta amongst other things. I submit, Sir, that there is no reason why this appointment should not be made by the Chief Justice. If this proposed provision was already in the law, I think it would have been necessary to amend it so as to give the power of appointment to the Chief Justice. The other High Courts have not been treated in this way. I ask, why should the appointment be taken away from the Chief Justice? It seems to me that it is an encroachment on the privileges and dignities of the office of Chief Justice. It has been stated that this provision has the concurrence of the Chief Justice himself. I can well appreciate that, Sir. Speaking as a lawyer, whenever an application for a transfer of a criminal case is made to the High Court, and an explanation is asked from the Judge or Magistrate from whose file the transfer is sought, the Judge or the Magistrate after submitting his explanation says that he has no objection to the transfer being made. This is something of the sort. You ask the Chief Justice whether he would have any objection to the derogation of his powers, and I do not know under what circumstances he could have said, yes. It is not a question between the Chief Justice and the Local Government. It is a question which vitally concerns the outside public. He has got to deal with public funds. I ask, therefore, why should this evidentially judicial appointment be taken away from the Chief Justice and vested in the Local Government? I submit that there is no other reason than that the Local Government want to have in subsequent clauses administrative control over the official assignee. Then, it has

been said that the Administrator-General and the Official Trustee are appointed by the Local Government. I have pointed out in those cases that they have no judicial functions and that they have nothing but ministerial work to do, namely, to distribute money according to orders, whereas the Official Assignee has got to decide many conflicting claims between parties. I submit that a man who has got to discharge duties of that description should be appointed by the Chief Justice. The law is that the Chief Justice shall appoint the Official Assignee, and as in the case of the other provinces, the law should remain as it is. I see no reason why Bengal should introduce this procedure. As I have already said, I have consulted the members of the European Bar as well as members of my association and I repeat that Mr. Page has expressly told me that the power of appointing the Official Assignee should not be taken away from the Chief Justice. Mr. Page unfortunately could not come because he is engaged in the Court but he has asked me to say he has the fullest sympathy with my opposition to this clause.

I beg to oppose the clause.

The Hon'ble Sir BROJENDRA LAL MITTER: It is quite in the fitness of things that my friend, Mr. Narendra Kumar Basu, who is a distinguished advocate of the High Court, should stand up for the High Court and its prestige, but I am afraid his enthusiasm has been spent on misconceptions all round. So far, he has given two reasons. One is that the Official Assignee has to do judicial duties, and that, therefore, the appointment ought to be with the Chief Justice and not with Government. Does not Mr. Narendra Kumar Basu know that scores of appointments involving the performance of judicial duties are under the existing constitution made by the Local Government? (MR. NARENDRA KUMAR BASU: Wrongly). What about the Judges of the Small Cause Court? What about the Presidency Magistrates? What about the Administrator-General and the Official Trustee? Mr. Narendra Kumar Basu specifically mentioned the post of Administrator-General and Official Trustee, and said that these offices had no judicial duty to perform. Who told him that? The law does not say so. I will refer to a few sections and he will see that the duties there are judicial and not less onerous than any judicial duty which the Official Assignee has to perform. Look at section 26 of the Administrator-General's Act. Under "distribution of assets," when the Administrator-General has given the prescribed notice for creditors and others to send in to him their claims against the estate of the deceased, he shall, at the expiration of the time therein named for sending in claims, be at liberty to distribute the assets or any part thereof in discharge of such lawful claims, but shall not be liable for the assets so distri-

buted to any person of whose claim he had not notice at the time of any claim. No notice of any claim which has been sent in and has been rejected or disallowed in part by the Administrator-General shall affect him unless proceedings to enforce such claims are commenced within one month after notice of the rejection. Sir, when claims are sent in, the Administrator-General has to exercise his judicial function in adjudicating upon those claims. He has a judicial duty. Then the Act says, "Nothing in this section shall prejudice the right of any creditor or other claimant to follow the assets or any part thereof in the hands of the persons who may have received the same respectively." Here, in the distribution of assets the Administrator-General has got to perform judicial functions. Then section 30 provides, "the Administrator-General may, whenever he desires, for the purposes of this Act, to satisfy himself regarding any question of fact, examine upon oath (which he is hereby authorised to administer) any person who is willing to be so examined by him regarding such question." So, in exercising his judicial functions he has been given the right to administer oaths. Sections 31, 32 and 33 also give him judicial powers. In all the cases, the Administrator-General himself may grant a certificate in the case of small estates. He performs all the functions of a Court in granting and issuing certificates which are analogous to the issue of letters of administration. Section 32 deals with grant of certificates to creditors and power to take charge of certain estates. Section 33 provides that the Administrator-General is not bound to grant certificates unless satisfied of claimant's title, etc. He goes into the claimant's title and he either grants or refuses a certificate. This is purely judicial work. Section 35 deals with the revocation of certificates. Therefore my submission is this that Mr. Narendra Kumar Basu's criticism is based upon a wrong assumption that the Administrator-General has no judicial duties to perform. That was one of his arguments. His other argument was about the dignity and prestige of the High Court. In this matter the Government and the High Court had prolonged correspondence, and the High Court never for a moment suggested in the course of this correspondence that their dignity would in any way be affected. If the authority which is going to have the administrative control over the Official Assignee should also be the appointing authority as in the case of the Adiministrator-General and Official Trustee there is no question of dignity. In making the appointment at the High Court's own suggestion the words "after consultation with and with the concurrence of the Chief Justice" were added. These words were suggested by the High Court themselves. They said, in effect, "after all you are going to pay the officer and since you are going to have administrative control over him, we have no objection to your making the appointment; but here is an officer who will be under the judicial control of the High Court, therefore, it is desirable that in making the appointment the High Court should

be consulted and their concurrence obtained." Where does the question of prestige come in at all? My friend has sounded a false alarm and I submit that the Council ought to pass this clause without further debate.

The motion that clause 3 stand part of the Bill being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Baksh, Maulvi Syed Majid.
Bal, Rai Sahib Lalit Kumar.
Bal, Rai Bahadur Sarat Chandra.
Barma, Babu Prambari.
Basu, Mr. S.
Blandy, Mr. E. N.
Bose, Mr. S. M., Bar.-at-Law.
Chowdhury, Maulvi Abdul Ghani, B. L.
Cohen, Mr. D. J.
Das, Babu Gurupresad.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. G. S.
Edgley, Mr. N. B. A.
Farequi, the Hon'ble Nawab Sir Mahiuddin, Kt., of Ratanpur.
Fazlullah, Maulvi Muhammad.
Ferguson, Mr. R. H.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Babu Profulla Kumar.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hooper, Mr. C. B.
Hoque, Kazi Emdadul.
Hossain, Nawab Musharruf, Khan Bahadur.
Hossain, Maulvi Muhammad.
Hossain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Khan, Maulvi Tamizuddin.
Kindersley, Mr. J. B.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mittra, Babu Sarat Chandra.
Mollah, Maulvi Moslem Ali.
Nag, Reverend B.A.
Rag, Rai Bahadur Sak Lal.
Nazimuddin, the Hon'ble Khwaja Sir.
Porter, Mr. A. E.
Quasem, Maulvi Abul.
Ray, Babu Nagendra Narayan, B.L.
Ray Chowdhury, Mr. K. C.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijay Prasad Singh.
Roy, Mr. Sarat Kumar.
Sadeque, Maulvi Mahomed.
Sahana, Rai Bahadur Satya Kinkar.
Samad, Maulvi Abdus.
Sen, Rai Bahadur Gris Chandra.
Singha, Babu Kshetra Nath.
Sinha, Raja Bahadur Bhupendra Narayan, of Kashipur.
Stevens, Mr. H. S. E.
Stadd, Mr. Eric.
Tarafder, Maulvi Rajib Uddin.
Walker, Mr. W. A. M.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

NOES.

Banerji, Mr. P.
Basu, Mr. Narendra Kumar.
Chandhuri, Babu Kishori Mohan.
Choudhury, Maulvi Rural Absar.
Maiti, Mr. R., Bar.-at-Law.
Mallick, Mr. Kartick Chara.
Rai Mahasai, Maniendra Deb.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Hemal.
Singh, Srijut Taj Bahadur.

The Ayes being 59 and the Noes 10 the motion was carried.

The motion that clause 4 stand part of the Bill was put and agreed to.

The motion that clause 5 stand part of the Bill was put and agreed to.

The motion that clause 6 stand part of the Bill was then put and agreed to.

Clause 7.

Mr. NARENDRA KUMAR BASU: Sir, as regards clause 7 if the members will kindly turn to the Bill and to the Report of the Select Committee they will see that at the very beginning there is a alteration made in a very simple way. Instead of the word "for" at the beginning of clause 7 the word "after" has been inserted; that is to say that instead of repealing section 84 of the Act as it now stands which removes the Official Assignee automatically if an order of adjudication has been made a new clause 84A and others have been added. To that I have absolutely no objection; in fact I do not want to be guilty of breach of confidence. But so far as the other clauses are concerned, you will find that the whole thing is based upon, shall I say, an avaricious idea of the local government to get Rs. 37 lakhs plus Rs 37 lakhs which have now accumulated in this fund for the purposes of general administration. I strongly oppose this. It seems to me that the covetous glances of a semi-bankrupt government may be roving to find out whether there are any pockets to be picked, and here is a decent sum lying unclaimed by the real owners of the money. Therefore the local government wants to pocket that money. The justice of the thing, or rather the injustice of it is fairly obvious. If there can be any reason for allowing the local government, to use an unparliamentary and inelegant expression, to grab the money—well I would say, if they wanted to earmark this money for any particular purpose regarding, say, the High Court or the department of law, one could have understood it, but what are they going to do with this money? They are going to square up their deficits due to the inflated expenditure on police, and that is what they are going to do with this money. I would ask the Hon'ble Member in charge how many necessary improvements in the High Court have been turned down because there was no money. We all know, at least those who have anything to do with the High Court know that if you wanted a copy of a single document of say one or two pages, you have to wait for 22 days for it, and an urgent copy which in the *mufassal* is given within 24 hours or at the most 48 hours cannot be had from the High Court in less than 7 days. Why, because in the High Court there are as many as 4 copyists and Government say there is no money to give to the High Court for appointing more copyists. Therefore, I submit that if a portion of this money that has been pocketed by the local government were to be given for the purposes of the High Court by which I mean for the purposes of the litigants and of the public frequenting the High Court, I should have thought that a provision of that description might have been made at least to give a show of honesty to this proposal to take the money. As I have said in my note, our Judges complain of their being underpaid. The High Court is

suffering from a lack of much needed accommodation; there is a paucity of ministerial officers; there is a total absence of amenities for the public frequenting the High Court and for the lawyers. There is not a single lift in the building. You will, Sir, remember that 3 or 4 years ago in the annual budget there was a provision passed for a lift in the High Court, but when the cry for retrenchment came, the first thing that was retrenched was this item. They are going to pocket Rs. 74 lakhs, with your sanction, which belong to definite known people whether alive or not, and they want to have that money for the purposes of their administration, for the general administration of the province. I submit, as I said several times, that it is really taking money from the pockets of unknown people, that is to say, instead of being the chartered custodian the Government wants to be a chartered libertine. I oppose the motion.

Mr. S. M. BOSE: Sir, I am afraid I do not agree with my friend, Mr. Narendra Kumar Basu. He has said that Rs. 74 lakhs belong to known people. I am very doubtful about that. Under the Act, after 15 years, the unclaimed dividend goes to the Government of India. It no longer belongs to any people, known or unknown. The second fund accrues, I believe, from the interests of the first fund. Over that certain parties may have certain claims and Government takes over the liability to pay them. So I see no objection on this score. I agree with Mr. Narendra Kumar Basu in thinking, however, that the High Court has certain great needs. It is cramped. We want more accommodation and for old men like us lifts are absolutely necessary. But the fact that the Government is taking away the money is in no way preventing the Government from spending the money on the High Court. I believe that generally, no revenue from any source is earmarked. It goes to the general fund and from that fund expenses are incurred.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I have considerable sympathy with much of what my friend, Mr. Narendra Kumar Basu, has said on this occasion. From personal knowledge I can say that the High Court does suffer from want of amenities of various sorts and little improvements here and there are urgently called for. It is the financial stringency of the last few years which stood in the way of effecting those improvements, but we are seeing day-light and we expect that as finances go on improving, these defects will be rectified. As regards lifts, I have my doubts because the absence of lifts probably accounts for the splendid health which my friend, Mr. Narendra Kumar Basu, enjoys. Anyhow, Sir, if you are to pay a visit and see some of the chambers of the High Court Judges, you will be staggered. They are little better than stables. Improvements are no doubt called

for, but that is no reason why we should earmark any particular fund for the High Court. That will be bad precedent, bad finance and bad policy. If the champions of the High Court were to make their presence in this Council felt in the new Government, I am sure improvements which are wanted will not be long in coming.

The motion that clause 7 stand part of the Bill was then put and agreed to.

The motion that clauses 8, 9, 10, 11 and 12 stand part of the Bill was then put and agreed to.

The motion that the preamble stand part of the Bill was then put and agreed to.

The Hon'ble Sir BROJENDRA LAL MITTER: I move that the Presidency-Towns Insolvency (Bengal Amendment) Bill, 1936, as settled in Council, be passed.

Mr. NARENDRA KUMAR BASU: Sir, I beg to oppose this motion and in the interest of Government itself. So far as the principles of this Bill are concerned, I have already made my submissions with regard to the inadvisability of removing the appointing power from the Chief Justice, to the misfeasance of the accumulated funds by the proposed measures in the Bill and the dual control, but there is another very important aspect which I shall ask my Hon'ble friend the Member in charge to consider. By this Bill (clause 4), section 81 of the Act, as it stands, has been omitted. Section 81 of the Act is "such remuneration shall be paid to the Official Assignee as may be prescribed". That section has been deleted. Therefore, all the rules regarding commissions payable to the Official Assignee have been deleted. The Official Assignee will get his pay from the Government but the commissions payable to the Official Assignee by the people affected, I am afraid, those commissions could not be legally charged. The rules for the purpose of the payment of commissions to the Official Assignee by creditors' and debtors' estates are based upon section 81—"such remuneraton shall be paid to the Official Assignee as may be prescribed"—and the rules prescribed under this Act control the commissions now drawn by the Offical Assignee. You have deleted by your Bill section 81 so that in future no money is to be paid by anybody. Where are you going to get the funds from? These 37 lakhs will not last for ever and you are not earmarking that fund for the purpose of this Act. How are you then going to recoup yourselves for the money that you are going to spend? Sir, simple avarice will not do: a little calculation is also necessary. You find a big fund: well and good, but how is the thing to work? Here is your Bill: you make it impossible for that office to continue unless it is a charge upon the revenues of the State,—the whole of the Department of the Official

Assignee. Therefore it is in the interest of the Government itself that I ask the Hon'ble Member to pause and consider this point and then move the third reading.

The Hon'ble Sir BROJENDRA LAL MITTER: I do not see the difficulty which my friend Mr. Narendra Kumar Basu finds insurmountable. Under the rule-making powers power has been taken to frame rules to regulate the fees and percentage to be charged by the Official Assignee for and in respect of the proceedings under this Act and in the manner in which the sum has been collected and accounted for. The rule-making power always empowers the authority concerned with everything that is necessary to give effect to the provisions of the Act. I do not see that there is any difficulty in the matter. If it be found later that my friend's fear is justified it would not be difficult to have the Act amended for that purpose, but for the present I do not see any difficulty whatsoever.

The motion was put and agreed to.

FINANCIAL BUSINESS

Report of the Public Accounts Committee for 1934-35.

The Hon'ble Sir JOHN WOODHEAD: I beg to present the Report of the Bengal Legislative Committee on Public Accounts for the year 1934-35.

Mr. NARENDRA KUMAR BASU: I think, Sir, the Report is open to discussion.

I would not have liked to intrude upon the time of the Council on any topic arising out of the Committee on Public Accounts; but having been a member thereof for six years or more, and having seen the interest or lack of interest shown by members in the work of that very important Committee, I find it absolutely necessary to point out to the members of this House who have got the report in their hands and refer them to pages 18 and 19 of that Report where, if they will kindly read, they will find unfolded a tale which is staggering in all conscience. I am talking of the very light-hearted way in which a "small" project like the Damodar Canal Project was initiated and carried into effect. I am making this submission for the purpose of drawing pointed attention to the matter so that our successors in this House will know how to watch expenditure over projects. You will find that a project costing ultimately about Rs. 132 lakhs was entered upon and sanctioned without proper materials and without proper enquiry. It is admitted by the officers of

the department that there was an oversight when preparing the estimates and that the estimate was based on insufficient data. That was the language of the officers of the department, Sir. You can very well understand and the members of the House will appreciate that an estimate originally sanctioned at Rs. 70 lakhs has come to cost ultimately Rs. 132 lakhs. Why should that be so, Sir? "Because," says the department, "the estimate for this project was sanctioned on insufficient data." I am bringing this matter to the notice of the members of the House for their edification as to how things are done in the Government. I give a note of warning not only to the members of the present House but to our successors also to see that when projects are brought forward in this House they may be properly scrutinised and that sufficient data are there.

I find, Sir, that there is a token motion of Re. 1 for a new Madaripur. I do not know whether the estimate for this new Madaripur is on sufficient or on insufficient data. When that matter comes up it will probably be open to the House to ask the Hon'ble Minister in charge to satisfy the House that he has got sufficient data on which his estimate is built. It will not do to say that it was done on the departmental engineers' estimate. What the engineers' opinion sanctioned by the Government of India or rather passed by the Government of India and the whole machinery of Government amounts to, has been manifested in this case. It amounts to this, that they have lightly passed a 75-lakhs budget without proper and sufficient data and materials and when it comes to giving effect to it its ultimate cost is found to be Rs. 132 lakhs, with repairs before the work is six months old, to boot!

The Hon'ble Sir JOHN WOODHEAD: Sir, Mr. Basu's attack was unexpected. As regards the increase over the original estimate Mr. Basu knows that it is accounted for to a considerable extent by the debit to capital of interest during the course of construction. But there is no gainsaying the fact that the cost of the Damodar Canal Scheme exceeded by a very considerable amount the original estimate. There is also no gainsaying the fact that it is now admitted that it would have been advisable to have had more detailed enquiries and surveys made before the scheme was finally sanctioned and work commenced. I am sure however that that mistake is not likely to be repeated. In fact, I have had a scheme before me for some time now, and the experience I have gained in regard to the Damodar Canal Project will certainly influence me in my examination of that estimate. Further, I believe that everybody in the Irrigation Department has realised that detailed investigations as regards irrigation schemes in Bengal are necessary before any estimate is finally framed. We have now all had a somewhat bitter experience. I do not wish to belittle the fact that the excess over the estimate was considerable, but I think that Mr. Basu has somewhat

exaggerated what exactly happened. As I have said, however, there is no gainsaying the fact that the estimate was considerably exceeded; and that it would probably not have been exceeded if further detailed surveys had been made, and money provided for those surveys.

Mr. PRESIDENT: We shall now take up demands for grants.

DEMANDS FOR EXCESS GRANTS.

5—Land Revenue.

The Hon'ble Sir JOHN WOODHEAD: I beg to move that in pursuance of the recommendation of the Bengal Legislative Committee on Public Accounts given in paragraph 5 of their Report for 1934-35, the Council do vote the excess grant of Rs. 18,298 under the head "5—Land Revenue" representing expenditure incurred in excess of the grant voted for the said year.

The motion was put and agreed to.

30—Scientific Departments.

The Hon'ble Sir JOHN WOODHEAD: I beg to move that in pursuance of the recommendation of the Bengal Legislative Committee on Public Accounts given in paragraph 5 of their Report for 1934-35, the Council do vote the excess grant of Rs. 2 under the head "30—Scientific Departments" representing expenditure incurred in excess of the grant voted for the said year.

The motion was put and agreed to.

34—Agriculture.

The Hon'ble Sir JOHN WOODHEAD: I beg to move that in pursuance of the recommendation of the Bengal Legislative Committee on Public Accounts given in paragraph 5 of their Report for 1934-35, the Council do vote the excess grant of Rs. 6,532 under the head "34—Agriculture" representing expenditure incurred in excess of the grant voted for the said year.

Mr. SHANTI SHEKHARESWAR RAY: I want to raise a point of order, Sir, and I invite your attention to rule 91 of the Bengal Legislative Council Manual where it is stated that no motion for appropriation can be made except on the recommendation of the Governor communicated to the Council. The Hon'ble Finance Member in moving

his motion just now has nowhere stated that he is doing so on the recommendation of the Governor. He has simply stated that he is moving this motion in pursuance of a recommendation of the Public Accounts Committee of this Council. But it is necessary under rule 91 that it should be moved on the recommendation of the Governor communicated to this Council. I also invite attention in this connection to rule 93 where it is stated that when money has been spent on any service for which the vote of the Council is necessary during any financial year in excess of the amount granted for that purpose and for that year, a demand for the excess shall be presented to the Council by the Finance Member, and shall be dealt with in the same way by the Council as if it were a demand for a grant. So the procedure necessary for a demand for grant should be followed in this case too.

The Hon'ble Sir JOHN WOODHEAD: This is not a grant for expenditure, for supply. This expenditure has already been incurred. The accounts show an excess over the amount voted by this Council during the year in which the expenditure was incurred. The Council is simply asked to approve of what is called an excess grant; that is, in other words, to condone an expenditure incurred in excess of the actual grant voted by the Legislature.

Mr. SHANTI SHEKHARESWAR RAY: I have also made a submission under rule 93.

Mr. PRESIDENT: I have now got to find out whether both rules 91 and 93 are actually applicable to the case under review. Has Sir John anything to say about this?

The Hon'ble Sir JOHN WOODHEAD: Sir, Rule 93 says that the demand for excess expenditure shall be dealt with in the same manner by the Council as if it were a demand for a grant. Mr. Roy's point refers to expenditure to be incurred during the year. The expenditure referred to in my motion, as I have already explained, is an excess expenditure which was incurred two years ago.

Mr. SHANTI SHEKHARESWAR RAY: Sir, I have already made my submission that a demand for a grant can come under Rule 93 subject to Rule 91; that is my position.

Mr. PRESIDENT: I would ask the member to first take into his consideration Rule 93. It is true that a demand like the one now before the House must be dealt with in the same way as a demand for a grant. The rule certainly indicates the procedure which the Council has got to adopt. Let us now examine what the Finance Member is going to do.

I have no doubt in my mind that his present demand for money comes under Rule 93. But it is nowhere stated in that rule that when such a demand is made it must be made with the consent of His Excellency the Governor. I am not dealing with the Rule 91 and so for the present moment let us forget all about that rule. On the other hand in my considered opinion Rule 93 is sufficient for the purpose of the Hon'ble the Finance Member. The first portion of Rule 93, as it appears to me, is very clear, viz., that any such demand for such grant shall have to be brought before the Council by the Finance Member; that has been done in the present case. Now what further procedure the rule requires the Council to adopt? It has been very clearly indicated by the latter portion of the rule, i.e., you have to treat it as if it were a demand for a grant. But it is neither enjoined nor implied anywhere in the rule that it must be made with the consent of His Excellency the Governor. Rule 91 does not come into the picture and so need not be taken into account.

The motion was then put and agreed to.

Expenditure in England.

The Hon'ble Sir JOHN WOODHEAD: Sir, I beg to move that in pursuance of the recommendation of the Bengal Legislative Committee on Public Accounts given in paragraph 5 of their Report for 1934-35, the Council do vote the excess grant of Rs. 6,586 under the head "Expenditure in England" representing expenditure incurred in excess of the grant voted for the said year.

The motion was put and agreed to.

SUPPLEMENTARY ESTIMATES OF THE GOVERNMENT OF BENGAL, 1936-37.

DEMAND FOR GRANTS.

6—Excise (Transferred).

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, on the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 43,000 be granted for expenditure under the head "6—Excise" on account of meeting the additional cost for payment of pleaders' fees in the Gariahata Raid Case.

Mr. P. BANERJI: Sir, I beg to oppose this motion. In doing so I consider that this sum of Rs. 43,000 is an absolute waste of money,

because we find that during the last six months only 220 witnesses were examined, but they have not yet been cross-examined. It stands to reason that in order to cross-examine these witnesses it will take at least more than double the time, i.e., one year. Now, Sir, Government contemplates also to bring in further witnesses from Scotland and other places. It is a well-known fact that this case has been brought up on the charge of conspiracy and the evidence shows that the accused were in possession of foreign liquor and used to substitute liquor of inferior quality in bonded warehouses, in the jetties and customs offices for foreign liquor——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, is it open to Mr. Banerji to go into the merits of this case when the matter is *sub judice?*

Mr. P. BANERJI: Sir, from the evidence it has transpired that high salaried Government officers—

Mr. PRESIDENT: Mr. Banerji, I shall give you some directions so that there may be no misunderstanding hereafter. If you want to criticise this particular demand, it will be your duty to show that Government is spending more money than it should, or that the case could be managed with less money but with greater efficiency. You cannot go beyond that or enter into the details of the case or for that matter discuss its merits or demerits, you should not forget that it is still being tried.

Mr. P. BANERJI: Sir, with very little time at my disposal I shall point out that in six months' time Government have examined only 220 witnesses, i.e., examination-in-chief. The accused who have been brought up on a charge of conspiracy hail from Rangoon, Lahore and other places. The parties have filed an application that all these accused persons must not be brought to be tried together in one court. This shows that Government is unnecessarily incurring expenditure in hauling them up on the charge of conspiracy. If these persons could have been tried separately at Rangoon, Lahore and Calcutta, these cases could have been finished in three months' time. As the examination-in-chief has taken six months, as I have said, it stands to reason that the cross-examination will take at least double the time. The amount of Rs. 43,000 which the Hon'ble Minister is asking for will be insufficient; he will have to spend many lakhs of rupees and I do not know how many lakhs will be wasted on this case. I submit that during the enquiry many houses were searched——

(As the time alloted for this motion was finished Mr. Banerji resumed his seat.)

The demand was put and agreed to.

41—Civil Works—Provincial.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted for expenditure by reappropriation (voted) of Rs. 72,800 on work and Rs. 4,500 on establishment under "41—Civil Works—Provincial" in connection with the Sevoke-Bagrakote Road in the current year.

The motion was put and agreed to.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted for expenditure under "41—Civil Works—Provincial" during the current financial year in connection with the construction of the road bridge over the Damodar River at Burdwan.

Babu JATINDRA NATH BASU: Sir, in this connection I desire to say——

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, may I be allowed to speak first as I think I might explain the position in regard to this scheme.

Mr. PRESIDENT: Not unless Mr. Basu who caught my eye first yields to you.

Babu JATINDRA NATH BASU: I would like to hear what the Hon'ble Minister has to say before I address the House on this subject. Perhaps he might place some facts relating to this matter before the House.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, the House is aware that Government have framed a comprehensive programme for road development with a view to bringing about an economic improvement. The idea is to connect the rural areas with important *hats* and bazars and important railway centres, so that the produce from the rural areas may be brought to market without any difficulty. The improvement of communications in the trans-Damodar area is one of the items in this programme of road development. The trans-Damodar area covers portions of the districts of Burdwan, Hooghly, Midnapore and Bankura;

and Government have been for sometime considering the proposal of bridging the river Damodar at Sadar Ghat near Burdwan town, so that roads might be built in the trans-Damodar area connecting that part of the province with Calcutta by the Grand Trunk Road and by connecting the Grank Trunk Road with the proposed Bombay-Calcutta Trunk Road by linking it with the Grand Trunk Road at Bansa near Singhbhoom in Bihar. Sir, the Burdwan-Arambagh Road, which is already under construction, will give a direct access over this bridge to the Arambagh Subdivision of the Hooghly district. This road will serve an area of 500 square miles with 3 lakhs of population. It is one of the most fertile parts of the province—fertile rice-producing tracts of Bengal. But at present it is very much lacking in communication. When the bridge is constructed and all the other roads in the trans-Damodar area are linked up with this bridge, an area of about 8,500 square miles, which is now without any means of communication whatsoever, would be provided with adequate means of communication, so that nearly one-tenths of the whole area of the province, which has no communication now, will get communications. The population in this area is about 4 millions. The necessity of adequate communication and bridging the river Damodar was never felt so very keenly than during the last Damodar flood in 1935. For several days the area was unapproachable which made relief operations impossible. Even at present there is sufficient traffic at the Sadar Ghat in the trans-Damodar area justifying the construction of a bridge. When the roads in the trans-Damodar area are all completed the traffic is sure to increase and the improvement in communication is sure to bring about great economic improvement conferring a great boon on over 4 millions of people inhabiting an area covering nearly one-tenth of the whole province.

In this connection I just like to mention that the idea is to finance this bridge out of revenue ultimately though at present the proposal is to meet the expenditure out of accumulated balance in the Road Fund. It is proposed eventually to raise a loan repayable in 30 years' time so that the amount spent on the bridge will be set free for expenditure on other important projects in different parts of the province. The construction of this bridge will therefore not in any way affect the construction of other schemes in other parts of the province. During the next 30 years there will be nearly 4 crores 32 lakhs in the Road Fund even if in spite of the improvement in communication the revenue from petrol tax does not increase and deducting the loan charges on a loan of 30 lakhs for this bridge nearly 3 crores and 72 lakhs will be available for the rest of the province or over Rs. 75 lakhs for each Division. So big schemes can still be taken up in different parts of the province out of the Road Fund during the next 30 years. Just by way of illustration I may say that Government are not in any way neglecting the road problem in other parts of the province. I may

mention some of the projects which are in the contemplation of Government and which Government will have to take up in the near future.—

Mymensingh-Tangail Road (excluding bridging), length 58 miles, cost about Rs. 21 lakhs.

Dacca-Aricha Road, length 48 miles, rough cost Rs. 20 lakhs.

North-Bengal Highway, length 98 miles, rough cost Rs. 59 lakhs.

Chittagong-Arracan Road, length 84 miles, rough cost Rs. 34 lakhs.

These are some of the important schemes which Government will have to take up in the near future: in fact some of them are already under construction, for instance Dacca-Aricha, Chittagong-Arracan, and the North-Bengal Highway for which money has already been provided for in the budget. I just want to explain to the house that this bridge will not in any way affect the schemes in other parts of the province whereas it will confer a great boon on one-tenth of the people of the whole province.

Babu JATINDRA NATH BASU: I am thankful to the Hon'ble Minister for Local Self-Government for placing before the House the facts which he has stated in his speech. I only desire to call the attention of Government to the circumstance that this bridge will help the people of the area of Arambagh to have access to Burdwan; the bridge will be erected at a little distance from Burdwan and it will be a part of the road from Burdwan to Arambagh. In order that the produce of Arambagh may reach the best markets it is necessary that it should have access to Calcutta. Arambagh is 40 miles from Calcutta as the crow flies. With this road the people will have to go to Burdwan, a distance of 30 to 35 miles and then come to Calcutta which is 65 miles from Burdwan. The result is that the chronic distress and chronic misery in this area will continue. What is needed is the extension of this road that is coming from Burdwan to Arambagh to be extended to Calcutta. Government will already find a very old road built about 150 years ago known as the Old Benares Road which goes from Sulkea through Arambagh and if that alignment is taken advantage of, the cost will be less than if a new road were made and it will mean a great deal of convenience to the people residing in a locality which as the Hon'ble Minister has pointed out is not only populous but also produces grain and other marketable commodities. If you do that you will help the people in bringing their produce into the best markets and instead of men having to undertake a journey of 40 miles which for want of roads

takes as long as a journey by railway train from Calcutta to Allahabad they will be in a position to perform the journey much quicker.

(The time-limit was reached at this stage.)

The demand was then put and agreed to.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor I beg to move that a token sum of Re. 1 be granted for expenditure under "41—Civil Works—Provincial" during the current financial year in connection with the acquisition of land, raising the site and brick burning for the construction of buildings for the new subdivisional headquarters, Madaripur.

Mr. NARENDRA KUMAR BASU: Sir, may I ask if the Hon'ble Minister has sufficient data for this estimate?

The Hon'ble Sir JOHN WOODHEAD: May I explain, Sir? The subdivision of Madaripur is being washed away, in fact it has practically been washed away. We have erected temporary buildings on the school playground for the time being. Government must, therefore, erect a new station. Land will be acquired at the site selected, not far from Madaripur, and new buildings erected thereon. The House may rest assured that we shall not spend more money than is absolutely necessary for the new subdivisional headquarters.

The demand was put and agreed to.

43—Famine Relief.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 9,50,000 be granted under the head "43—Famine Relief" in 1936-37.

Motion for reduction.

Babu JATINDRA NATH BASU: Sir, I beg to move that the demand of Rs. 9,50,000 under the head "43—Famine Relief" be reduced by Rs. 100.

My object in calling attention to this fact is that the relief that is being granted is not deemed by a great many people to be adequate for the needs of the people. There is no doubt that distress is now widespread. We are in this position that the public do not know the exact extent of the distress that is there and the relief that is being administered to relieve the distress. If like the estimates Government

publishes from time to time about jute and other crops information is given in time about distress that will give the public some idea as to the locality and the number of people affected by famine and the measures taken to meet the distress. The public would then have been in a position to take measures open to them in order to relieve the distress. Recently we have had in Calcutta during the last 3 months repeated influxes of people from famine-stricken areas, and from enquiries we made from them we know that they are not in distressed circumstances normally but by reason of the failure of crops, they are under special circumstances placed in a very difficult position. Their needs have not been attended to locally and they have had to come to Calcutta to maintain themselves. Even now there are about 1,500 of these people going about the streets of Calcutta and the public have had to take steps not only to feed them during this period of three months but to send them back to their villages; that is the duty which has been thrown upon the public. Without any real information as to the real circumstances of these localities, without any data being available as to the number of people affected and as to the measures taken to meet the situation in the locality the public had to face the work of relief. I impress upon Government the necessity, when a famine breaks out, of issuing public communiques showing the amount of distress and how the distress is being met. It is not sufficient to say that Satkhira or Bankura is affected. We do not know how many people in Satkhira is affected; we do not know how many people in Bankura are suffering. The public cannot maintain them for an indefinite period but they have to be maintained till the next harvest. What steps the Government have taken in order to give them food to keep their body and soul together until times are better?

On these grounds I move the motion that stands in my name.

Maulvi SYED MAJID BAKSH: There is hardly any time. I request the Government to give the people greater relief. When there is famine and all crops are destroyed people do not know at that time how to eke out their living. I hope Government will pay special attention to the stricken areas. This year owing to the overflooding of the rivers Kapatakshi and Nabaganga the places near about them have been affected and the people are suffering much as they had no experience of floods. Gradually they will gain experience of it but this year their position is extremely miserable and I suggest that the major portion of the grant should be given to them.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, a number of questions and resolutions have been tabled on this subject and I have got all the figures and materials in answer to them. There is hardly

time now to make a full statement, but if you will permit me to make a short statement as to what arrangements Government intend to make, I will make one presently.

(The time-limit was reached at this stage.)

The motions were then put and lost.

The original demand of the Hon'ble Sir John Woodhead was then put and agreed to.

46—Stationery and Printing.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 1,60,000 be granted under the head "46—Stationery and Printing" in 1936-37.

Maulvi ABUL QUASEM: On a point of order, Sir. I do not know who is responsible for fixing the time-limit under the several heads——

Mr. PRESIDENT: You cannot discuss that matter on the floor of the House as it involves His Excellency's prerogative in respect thereof. Besides, no remedy lies with me or with the House.

The demand was then put and agreed to.

9—Registration.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 25,000 be granted for expenditure under the head "9—Registration" in 1936-37.

The demand was put and agreed to.

31—Education (Transferred).

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, on the recommendation of His Excellency the Governor, I beg to move that

a sum of Rs. 3,220 be granted under the head "31—Education (Transferred)—General charges—Scholarships in Arts Colleges" in 1936-37.

The memorandum circulated has given the purposes for which this demand is made. It has been found as a result of examination that the number of Moslem students reading a higher Science Course is very small and that the Science teaching staff in secondary schools is also very weak. Moslem students come generally from poor families, and it is very difficult for them to go up for higher Scientific Course as the cost of scientific education is generally higher than the cost of education in Arts subjects. When we see that more Moslem students go in for particularly higher scientific education, it will not be difficult for Government schools to recruit teachers from amongst well-qualified Moslem Science graduates. The auxiliary committee examined this question and wanted the matter to be considered. Government therefore propose to create 12 scholarships of Rs. 24 each and 12 of Rs. 40 each at an ultimate cost of Rs. 20,000 and odd a year. In fact, it will mean that after the second year about 48 students will be able to get scientific education. These will be given to those who are really poor but on consideration of merit alone, because we require a better type of students. At the same time I may announce that we want to increase the number of free studentships not only for the Moslems but also for the members of the scheduled castes and depressed classes. In future it will be doubled: that is, the same rule applies to the members of the scheduled castes and depressed classes. We feel that this is how it would be possible to encourage a greater number of depressed class and scheduled caste students to go in for higher scientific education. If there are more students, Government will consider their case sympathetically. But for the time being it would be sufficient to increase the number of free studentships for the members of the depressed class and scheduled castes. That is what the Government proposal is.

Motion for reduction.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, may I be permitted to move the motion standing in the name of Rai Bahadur Satyendra Kumar Das?

Mr. PRESIDENT: Did he ask you to do so?

Rai Bahadur KESHAB CHANDRA BANERJI: No, Sir.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Then he cannot move it, Sir. Of course, he can speak on the original demand if he likes.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I want to move it as my own motion.

Mr. PRESIDENT: The Rai Bahadur can move this motion as his own.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that the demand of Rs. 3,220 under the head "31—Education (Transferred)" be reduced by Rs. 100 (award of stipends also to the poor and meritorious students of the scheduled castes for prosecuting I.Sc. and B.Sc. courses or prosecuting higher scientific studies on the same conditions as for the Moslem students).

Sir, the Hon'ble Minister has said that the amount is intended for the benefit of poor Moslem students. I agree that the Moslem students are generally poor and need financial assistance but students belonging to the scheduled castes are no better. They are equally poor and deserve sympathy and support at the hands of Government. The number of scholarships which they at present enjoy is too inadequate to meet their requirements. Therefore, I urge upon the Government respectfully to make provision for some scholarships for the depressed class boys.

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Sir, I think I have already replied to this that we have doubled the number of free studentships for the members of the scheduled castes and depressed classes. Governemnt will examine the question if there is really a demand from amongst them for higher scientific studies.

The motion was then put and lost.

The original demand of the Hon'ble Khan Bahadur M. Azizul Haque was then put and agreed to.

32—Medical.

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Sir, on the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 50,000 be granted for expenditure during 1936-37 under

the head "32—Medical—Grants for medical purposes—Grants-in-aid, contributions and donations, etc.—Transferred" for additional help to the Calcutta Hospital Nurses Institution.

The demand was put and agreed to.

Loans and advances by Provincial Governments.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor, I beg to move that a sum of Rs. 29,75,000 be granted under the head "Loans and advances by Provincial Governments—Class I—Loans under the Land Improvement and Agriculturists' Loans Act" in 1936-37.

Khan Bahadur Haji Badi Ahmed Chowdhury moved that the demand of Rs. 29,75,000 under the head "Loans and advances—Class I" be reduced by Rs. 100 (desirability of granting loans in the parts affected by floods).

He addressed the Council in Bengal. The following being an English translation of his speach:—

In support of my proposal I should like to say that the district of Chittagong, lying as it does, at one extremity of Bengal without scarcely any means of communication in its southern part, fails to draw the attention of the Government. For instance, the Irrigation Department spend crores of rupees on other districts but nothing on Chittagong. This is the case with almost all other departments of the Government. During the last rainy reason the Karnafuli, the Matamahari, the Dalu and the Tankabati were in high flood and damaged houses and crops. In Baokhali, Chakaria, Kutubdia and other places houses and crops were destroyed owing to the onrush of sea-water. The Government did not render any help nor did they give any loan. There being no previously sanctioned money in the hands of the Collector he could give no help either by way of gratuitous relief or loan at such an emergency. The motion is intended to ensure the adoption of remedial measures for meeting such emergencies in future.

Mr. J. B. KINDERSLEY: Sir, I found it very difficult to follow my friend, the Khan Bahadur, but I gather that his complaint is that no loans have been granted in Chittagong. So far as we know there has been no distress in Chittagong, and this additional grant for loans is to cover very large sums which have been advanced as agricultural loans in eleven districts which have suffered. It does not represent the sums which will be spent in future but covers the sums which have been already spent. Had there been a distress in Chittagong, I think we would have heard of it before, but we have not. Inspite of the

original budget provision which was only Rs. 10 lakhs we have actually distributed over Rs. 39 lakhs. It is for this reason that the additional grant is demanded.

I oppose the motion.

The motion was put and lost.

The original demand of the Hon'ble Sir John Woodhead was then put and agreed to.

The Hon'ble Sir JOHN WOODHEAD: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 1,65,500 be granted under the head "Loans and advances by Provincial Governments—Class V—Miscellaneous loans and advances" in 1936-37 for granting advances to the detenus who have received industrial training.

Maulvi MUHAMMAD FAZLULLAH: I beg to move that the demand of Rs. 1,65,500 under the head "Loans and advances" by Provincial Government be reduced by Rs. 100 (policy in the matter of appointment in different demonstration parties, selected for the training of the detenus).

Sir, hundreds of youngmen have been deprived of their liberty and kept in restraint without the least show of justification. It is gratifying therefore to note that Government are anxious to do some justice to them by making them fit citizens in their own way by training them as artisans and also granting them advances to set up small industries. The best thing for Government would have been to set at liberty all the detenus without further restraint, so that they might have made their own arrangement for their own education, training and industry in free atmosphere unaffected by official *julum* and *zabardastism*. To keep people in restraint and then to train them and give them advances to run small industries is equal to killing the Brahmin's cow and then make a free gift of the skin to the Brahmin. The policy of hoodwinking the people will not do. People want freedom, complete and unfettered, and not restraint followed by diplomatical charity in the form of industrial training and advances.

There is another side of the question. I am not particular whether Moslems should get appointments on their population basis.

The Hon'ble Sir ROBERT REID: Might not the hon'ble member be asked to speak up? I have got to reply to the motion and I do not know what he has said up till now.

Mr. PRESIDENT: Will you speak up Maulvi Sahib and come nearer? You can't be heard.

Maulvi MUHAMMAD FAZLULLAH: But Hon'ble Sir Mohiuddin Faroqui of Ratanpur, a veteran member as he is of the United Muslim Party, the party organised to safeguard the Muslim interest, is anxious to secure appointments for the members of the Muslim community on the population basis and on this basis canvassing is going on on his behalf to secure his election to the next reformed Council. But, Sir, has he any right to this pretention or claim?

Maulvi MAHAMED SADEQUE: Is the hon'ble member in order in speaking of parties and canvassing now going on in the constituencies on party tickets, etc.?

Maulvi MUHAMMAD FAZLULLAH: The reply is an emphatic no. The statement given in reply to my starred question No. 12, dated the 11th November, 1936, shows that 42 persons were appointed to train detenus as Inspector and Supervisors, moulders, workmen, forgemen, coolies, darwans and in other capacities on salaries ranging from Rs. 5 to Rs. 150. Of these 42 men only three are Muslims, two of whom occupy the position of workmen labourers on Rs. 20, the other being a supervisor on Rs. 85 only. All these appointments including three Muslims were made by the Hon'ble Ratanpur Sahib. The Hon'ble Nawab Sahib is a Muslim and is holding the position in the Cabinet as a Muslim. He is there simply because he happens to be a Muslim and this is how he is doing justice to the community in the matter of their appointments.

The Nawab Sahib as a premier member of the United Muslim Party is advocating the cause of Muslim appointments but in practice he has signally failed, as has been demonstrated above, to give adequate appointments to the Muslims in the staff for detenus training.

Rai Bahadur KESHAB CHANDRA BANERJI: That shows his liberalmindedness, rather.

Maulvi MUHAMMAD FAZLULLAH: With these words, Sir, I move that the demand of Rs. 1,65,500 be reduced by Rs. 100.

Maulvi MAHAMED SADEQUE: In view of motion No. 28 which has been tabled for discussion the object of the motion of which I have given notice will be served if that motion is carried

and put into effect, the motion, namely, for the provision of facilities to loyal unemployed young men in Bengal. Therefore I do not move my motion.

Mr. P. BANERJI: In moving his motion the Hon'ble Member has not given us any idea of how this money will be distributed. I take it that it will be distributed among the detenus. I understand that one thousand detenus will be gradually trained and settled in life. If, Sir, that is a fact then I consider that this sum is absolutely nothing for this purpose compared with the number of detenues whom Government want to settle in life. So far as has been indicated in the speeches my idea is that Rs. 1,500 to Rs. 1,700 will be given to each detenu for this purpose. But with this paltry sum it is very difficult for detenus to make a living. Some of them I know have been first class first M.As. of the Calcutta University. That being the case, I consider that this paltry sum of Rs. 1,500 or Rs. 2,000 for the purpose of settling them in life is a mere absurdity. The Hon'ble Member the other day could not tell us how the calculation of the monthly expenditure of a detenu was arrived at. But he can take it from me that the monthly expenditure of a detenue in any camp was something like Rs. 65. Now there being 1,000 detenus to be thus helped it will require Rs. 65,000 per month, and for one year it will require Rs. 7,80,000. So in this way it appears that Government want to make a saving and as I have already pointed out, their whole idea is nothing but to exploit the detenus and to crush them: that is their whole object. In other words, they want to save money. When we demanded the release of political prisoners Government were unwilling to do anything in that way, but it seems that in this matter the whole idea behind them is simply to isolate them in the name of giving them a training and settling them in life, only to put them in different places with a small sum of money which will, I can assure you, never bring them any income sufficient to enable them to keep their body and soul together. Therefore this sum I consider is absolutely a meagre and paltry sum. Therefore I oppose this motion.

Mr. SHANTI SHEKHARESWAR RAY: I do not want to oppose this motion for a grant for the purpose of giving financial facilities to detenus who are being released under the Government's scheme; but it is only fair to the House as well as to the country that Government should be more explicit and should state clearly their intentions in the matter. We have not heard how this money is going to be disbursed. We do not know on what considerations these detenus who are to obtain advances are selected. Are these detenus going to give an undertaking of any kind or is this financial aid available to all who want to avail themselves of Government's help? Or do they give

an undertaking that when they receive this money this is not going to be "tainted" money, or a sort of bribe to them, so that under the garb of patriots they will have to do the work of spies? We want a distinct and definite assurance from the Government of Bengal on this point. Sir, a feeling has been growing up in the country that there is something rotten, something objectionable, in this new method of meeting the menace of terrorism in Bengal. It is also fair to the detenus who are going to avail themselves of this help. Unless there is this clear assurance that this is not "tainted" money and that no stigma attaches to the grant, unless this matter is placed beyond doubt, their position will be unbearable, and instead of being able to live a career of usefulness, they will only be looked down upon and despised by their countrymen.

Mr. NARENDRA KUMAR BASU: I give my wholehearted support to the motion moved by the Hon'ble Sir John Woodhead, and, if it is permissible, also to the next motion, No. 27. Sir, this is the first time that I have heard any whisper, either within or outside this House that the detenus selected for industrial training or agricultural training by Government were being lured into the Intelligence Department, shall I say, of the Government of Bengal. I do not think that that remark has reached anybody's ears: at least it has not reached mine. I yield to none in my hatred, if I may use the expression, of the system of detention without trial. I yield to none in my indignation at the policy that has been followed in this respect, but I do welcome the measure which I say, Government as a measure of penitence have undertaken to give some training to some of these men, and gradually to release them. I welcome it. But that measure of giving training to these men would have failed in its object if no advances were given to them to start their own workshops and businesses after their training period was over. I should have thought that it was an act of common justice to give advances to these men to start their own business, men whom Government have kept in confinement for years together, men who are more or less unable to find any funds for starting their business—not only for starting their business, but, as I see from the next motion, also for marketing their stock and stuff. Sir, I am sick, if I may say so, of hearing the bogey of communal appointments trotted out as to how many of these appointments are to be given to Muhammadans and how many to Hindus. That is a question which is raised in every blessed discussion, whenever there is any money to be spent by Government. Here is a motion for questioning the policy of the matter of appointments of different demonstration parties and it is asked how many mistries are to be Hindus and how many Muhammadans. For the life of me I cannot understand the mentality which prompts one to put questions like that even

with the elections ahead. I submit that the attack upon the Nawab Saheb was most unjustified. So far as the matter of appointments in general is concerned, I shall certainly ventilate them when the proper occasion arises; but this is a matter which, I think, is the least indisputable. I submit that the motion for amendment is wrongly conceived and wrongly moved. I hope the House will reject it and accept the motion of the Hon'ble Sir John Woodhead.

Maulvi ABUL QUASEM: Sir, I rise to lend my support to the motion of the Hon'ble Sir John Woodhead for this grant. The speech of my friend, Mr. Shanti Shekhareswar Ray, has taken my breath away. He has discovered a most diabolical motive on the part of the Government in bringing forward this most humane measure designed for the benefit of these unfortunate people, namely the detenus. I do not know how my friend could get a cue for ascribing this motive in respect of this measure of help for those people who are detained for reasons considered sufficient by the Government. Their future was enveloped in darkness. Some good angel suggested that a bright future should be found for them and Government started training camps for giving these detenus training in agriculture and industries, so that they might earn their livelihood and live as honourable and useful citizens in the future. Sir, it has been my privilege to visit one of these camps where these detenus are trained and I have mixed freely with these people. They have now a future to look forward to and they feel it. I must emphatically protest against the ascription of any unworthy motive because to my mind there is none. Government have so far at public cost trained the detenus and it is only reasonable and logical that they should provide them with necessary capital to start industries and therefore this is a measure for which all public-spirited citizens should unite in congratulating the Government whole-heartedly. I congratulate the Government for having launched this beneficial scheme to deliver the detenus out of the darkness in which they were enveloped and certainly the money which is to be given as advance so that they may turn their training to profitable account, is all for the good. How my friend could see so diabolical a motive in this humane measure passes my comprehension.

Sir, another point has been raised about the appointment of Moslems in demonstration parties. I do not agree with Mr. N. K. Basu in what he says about raising the communal bogey. Whenever Moslems raise the question of appointments for their community they do so for the purpose of requesting the Government to keep the case of Moslems in mind in view of Moslem unemployment. I do not say or suggest that in these particular instances there has been partiality against the Moslems. I do not suggest anything like that. But

whenever a Moslem raises a plea for the appointment of Moslems, I would beg all members to remember that Moslems are suffering great distress on account of unemployment just as members of the other community are doing. Sir, I support the motion of the Hon'ble the Finance Member.

Mr. S. M. BOSE: Sir, I cordially support motion No. 25 on the ground that it is a part of the general scheme for relieving unemployment. It is undoubtedly inspired by His Excellency and we all owe a deep debt of gratitude to His Excellency and the Nawab Saheb for bringing forward this excellent scheme. I have been to one of the detenu camps and have seen the very good work that is being done. I entirely repudiate the false and unfounded charge made by Mr. Shanti Shekhareswar Ray that it is a part of a campaign to bribe these detenus and to make them spies. Nobody outside an asylum will venture to make such a charge. I whole-heartedly support this grant.

The Hon'ble Sir ROBERT REID: Sir, all that I have to say as regards the motion for reduction which has been moved by Maulvi Muhammad Fazlullah is that it is entirely misconceived and, as other speakers have said, entirely out of place on this particular motion. The whole of his argument, as a matter of fact, was based on some figures which have got nothing whatever to do with the present motion for loans and advances and the figures on which he based his strictures on the Hon'ble Nawab Sahib were figures which related to demonstration parties organised by the Agriculture and Industries Department which have nothing to do with detenus. Therefore I am quite sure that the motion for reduction will have no support in this House.

Then, Sir, Mr. Shanti Shekhareswar Ray's remarks have been dealt with by other speakers in a much more effective way than I could possibly have done. I am grateful to those other speakers for the way in which they have dealt with them.

Apart from these points, I thought it might be of some interest if I added a little to the information which had already been given in the Memorandum placed before this House. (MR. SHANTI SHEKHARESWAR RAY: Hear, hear). I am grateful to hear that our friend, Mr. Ray, who has read a diabolical motive in our scheme, is still interested. As it has been shown in the Memorandum, Government felt that they could not let this system of training of detenus stop short at the end of the period of training and it was for this reason that they undertook this very large expenditure in order to assist them to set themselves up in life after they had received their training. Of the sum of Rs. 1,65,500 which the House has been asked to

agree to grant, a sum of Rs. 1,03,000 is on account of the setting up of detenus in industries. As many members are probably aware, 58 of these youngmen have already been trained. They finished their training in the beginning of October; they went home for a month and they have all come back. This, Sir, I think, is probably an adequate answer to Mr. Ray's remarks. These detenus have all come back and have already started work in different groups on different industries. The amount of Rs. 1,03,000 is required for setting them all up. This amount covers the capital cost of machinery, furniture, tools, buildings and also 4 months' working expenses—and working expenses includes the cost of raw material and labour charges. As I have said, these men have already started work and the result depends on themselves; they have got to work hard and their success will depend on the amount of attention and diligence they devote to their work. But the prospect so far is favourable.

Sir, one point which, I think, deserves special attention is this, that arrangements have already been made for the sale of their produce by means of forward contracts. Ninety five per cent. of the produce of the brass and cutlery concerns have already been provided for. A forward contract for more than one lakh of rupees worth has been made in umbrellas and negotiations are going on with regard to pottery of which it is expected that the result will be favourable.

The rest of the demand, that is to say Rs. 62,500, is for the setting up of the detenus trained in agriculture; they are still undergoing training at Maslandpur and they will have completed their period of training in January next. It is intended that they will work when they leave their training camp in groups of eight and this sum which is being placed before the Council to-day is partly on account of capital expenditure on fencing, farm buildings, purchase of animals and so on; and partly on account of running expenditure for a certain period. In fact, the same principle has been adopted in regard to these men as in regard to the others. On the whole I am glad to say that the prospects are favourable and we very much hope that these youngmen will eventually make good, and become independent and useful citizens.

Sir, I beg to oppose the motion for reduction.

The motion was then put and lost.

The original motion that a sum of Rs. 1,65,500 be granted under the head "Loans and advances by Provincial Governments—Class V —Miscellaneous loans and advances" in 1936-37 for granting advances to the detenus who have received industrial training was put and agreed to.

35—Industries (Transferred).

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: On the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted for expenditure under the head "35—Industries (Transferred)" on the entertainment of a supervising and marketing staff in connection with the setting up of trained detenus in business.

The motion was put and agreed to.

Adjournment.

The Council was then adjourned till 2 p.m. on Monday, the 30th November, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Monday, the 30th November, 1936, at 2-15 p.m.

Present.

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Hon'ble Ministers and 96 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Floods in Padma.

*54. **Babu KISHORI MOHAN CHAUDHURI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing district by district, for the Rajshahi, Nadia, Pabna and Murshidabad districts—

(*i*) the area that had been submerged in the recent floods of the river Padma;

(*ii*) the total number of persons affected;

(*iii*) the total area of cultivated land submerged;

(*iv*) the total estimated loss of property; and

(*v*) what percentage of the affected persons are *khas mahal* tenants?

(*b*) Will the Hon'ble Member be pleased to state—

(*i*) what steps, if any, the Government have taken or propose to take for the relief of the distressed people; and

(*ii*) what steps the Government propose to take to prevent the recurrence of floods occurring every year in the river Padma?

(*c*) Have the Government taken expert opinion as to the possibility of preventing floods in the Rajshahi district—

(*i*) by widening the mouth of the river Boral; and

(*ii*) by raising the level of the old Pabna road by 3 to 5 feet from Ishabpur downwards?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) A statement is laid on the table.

(*b*) (*i*) Gratuitous relief has been given by Government augmenting the work being done by non-official agencies. Rs. 1,06,700 has been distributed as agricultural loans in the affected areas.

(*ii*) Floods in the river Padma are due to circumstances beyond human control. Heavy rainfall in the hills and upper India cause the floods in Bengal. Warnings of impending floods are issued to areas likely to be affected.

(*c*) (*i*) Yes. Government are advised that owing to the immense volume of water widening the mouth of the Boral is not likely materially to lower the flood level of the Ganges or Padma. Moreover it is likely that would result in increased flooding of the country through which it passes. A further objection is that the development of the Boral is likely to endanger the Hardinge Bridge.

(*ii*) The road is an abandoned District Board Road. To raise the level virtually amounts to raising a marginal embankment which would deprive the country of the benefit of the normal floods, spill silt laden water and result in deterioration in health and productivity of the land.

Statement showing the reply to clause (a) of starred question No. 54.

		Pabna.	Nadia.	Rajshahi.	Murshidabad.
(*i*)	..	16,921 acres	1,00,480 acres	2,40,640 acres	1,92,000 acres.
(*ii*)	..	8,163	1,42,724	1,99,860	2,77,960
(*iii*)	..	10,740 acres	59,267 acres	1,66,400 acres	1,12,000 acres.
(*iv*)	..	Rs. 1,65,263	Damage to crops 50 per cent. and damage to huts is estimated at Rs. 6,000.	Loss to paddy in 96,000 acres and about 150 huts were damaged or collapsed.	5,459 huts were damaged.
(*v*)	..	Nil	3·5 per cent.	4 per cent.	15·62 per cent.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Member be pleased to state what effect the Hardinge Bridge had upon the recent flooding of this tract of the country?

The Hon'ble Sir BROJENDRA LAL MITTER: That is a technical question, Sir, of which I want notice.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: With reference to answer (*b*), what was the amount of gratuitous relief granted?

The Hon'ble Sir BROJENDRA LAL MITTER: I have got a full statement with me which, if you will permit me, I propose to make here and which deals with scarcity and famine in different districts during recent months. If the hon'ble member waits till then, possibly he will get all the information he wants.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: With reference to floods in the river Padma, will the Hon'ble Member state the year of the last flood?

The Hon'ble Sir BROJENDRA LAL MITTER: This year there was a flood; last year, there was a flood; and practically every year there is a flood.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: In view of there being floods every year, do Government intend taking steps to prevent them?

The Hon'ble Sir BROJENDRA LAL MITTER: These floods are not unmixed evils, and stopping them would probably be worse than having them.

Damage to agricultural products in certain areas.

***55. Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) Has the attention of the Hon'ble Member in charge of the Revenue Department been drawn to the damage done to paddy and other agricultural products in the districts of Murshidabad, Nadia, Bankura, Birbhum, Khulna, Bakarganj and in the Sunderban area in the district of the 24-Parganas, by flood, tidal wave, drought and cyclone?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, have been taken for granting agricultural loans and gratuitous relief to the affected people of the said areas?

(*c*) Will the Hon'ble Member be pleased to lay on the table a statement showing the amount already advanced as agricultural loans in these districts?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Government are aware of the damage done in these districts by drought and in limited areas by flood and tidal wave.

(*b*) and (*c*) A statement is laid on the table showing the amounts distributed as agricultural loans and in the form of gratuitous relief.

Statement referred to in the reply to clauses (b) and (c) of starred question No. 55.

AMOUNTS DISTRIBUTED AS AGRICULTURAL LOANS.

District.	From September, 1935, to March, 1936.	1936-37 (up to the end of October, 1936).
	Rs.	Rs.
Murshidabad	23,612	2,35,000
Nadia	37,980	1,50,000
24-Parganas	37,810	7,35,000
Khulna	15,000	2,75,000
Bakarganj	Nil	35,000
Bankura	45,100	4,90,000
Birbhum	28,000	5,00,000

AMOUNTS SPENT ON GRATUITOUS RELIEF.

District.	From September, 1935, to March, 1936.	1936-37 (up to the end of October, 1936).
	Rs.	Rs.
Murshidabad	5,000	37,800
Nadia	1,000	6,500
24-Parganas	Nil	85,514
Khulna	Nil	45,500
Bakarganj	Nil	Nil
Bankura	11,600	70,885
Birbhum	3,000	1,10,200

Distress in Diamond Harbour.

*56. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) the number of deaths that took place recently in the Diamond Harbour subdivision due to starvation;

(*ii*) the amount of help given by the Government in the locality; and

(*iii*) whether the amount of help already given has been found adequate?

(*b*) Is it a fact that there was defalcation of the money advanced as agricultural loan?

(*c*) Is it a fact that one of the gazetted officers and a few ministerial officers have been suspended in this connection?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state their names, and the amount of money involved in each case?

(*e*) Is it also a fact that in certain cases the cause of deaths due to starvation was ascribed to some disease, in thana registers against the report of the *chaukidars*?

(*f*) Is it also a fact that a Circular was issued by the Subdivisional Officer of Diamond Harbour to the President Panchayats to the effect that on any deaths by starvation reported within their jurisdiction, the services of the *chaukidars* concerned would be dispensed with?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Nil.

		Rs.
(*ii*) Agricultural loans	...	2,60,000
Gratuitous relief—		
(*a*) from Government funds	...	25,094
(*b*) from charitable funds	...	28,939-6-6
Test works in colonisation area	...	16,600

In addition the District Board spent Rs. 14,500 on test works.

(*iii*) Yes.

(*b*) and (*c*) One gazetted officer and two ministerial officers have been suspended pending inquiry into charges of malversation in connection with the distribution of agricultural loans. The matter is under investigation.

(*d*) The information cannot be disclosed at present as it might prejudice the officers concerned.

(*e*) and (*f*) No.

Rai Bahadur SATYA KINKAR SAHANA: With reference to answer (*a*) (*ii*), will the Hon'ble Member be pleased to state amongst how many people this sum of Rs. 2,60,000 has been distributed?

The Hon'ble Sir BROJENDRA LAL MITTER: Will you allow me to make the statement now, because supplementary questions of this kind are likely to be asked in relation to each answer? The statement gives the full information which the hon'ble members would probably want to have; it is due to them and this they should know.

Mr. PRESIDENT: I think you should make the statement after we have disposed of the questions unless you prefer to use the materials of your statement while answering the questions.

The Hon'ble Sir BROJENDRA LAL MITTER: As to the number of persons amongst whom the agricultural loans have been distributed, and the areas in which these loans were given, I have got the necessary figures, and I shall make a statement later on.

Rai Bahadur SATYA KINKAR SAHANA: If the Hon'ble Member is unable to state the number of persons amongst whom the loans were distributed, will he be pleased to state the highest amount that has been given to one person?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state the amount involved in the case in connection with which one gazetted and two ministerial officers have been suspended?

The Hon'ble Sir BROJENDRA LAL MITTER: The matter is *sub-judice*, and I am unable to give any further information on the subject.

Damage to agricultural products in Sunderban areas.

***57. Mr. P. BANERJI:** (*a*) Has the attention of the Hon'ble Member in charge of the Revenue Department been drawn to the extensive damage to paddy and other agricultural produce in the Sunderban areas in the district of the 24-Parganas, Khulna and Bakarganj, due to flood, tidal wave, drought and cyclones?

(*b*) Will the Hon'ble Member be pleased to state what steps have been and are proposed to be taken for granting agricultural loans and gratuitous relief to the afflicted people of the said areas?

(*c*) Will the Hon'ble Member be pleased to state the amounts of land revenue which have been remitted and suspended respectively on the Sunderban estates in the said districts on application from the proprietors thereof for failure of crops in the said areas?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) and (*b*) The member is referred to the reply given to a similar unstarred question to be asked by Mr. Kartick Churn Mullick at this meeting.

(*c*) Rs. 830 has been remitted in 24-Parganas. In Khulna a few applications for remission and suspension were received but they were rejected after careful consideration. In Bakarganj no application was received and no suspension or remission allowed.

Distress in Khulna.

*58. **Rai Bahadur SUK LAL NAG:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state whether famine conditions prevail in some quarters of the Khulna district?

(*b*) What provisions were made by Government to cope with the distress?

(*c*) What amount was advanced by way of *taccavi* or agricultural loans?

(*d*) How much was spent on charity and through what agency?

(*e*) What is the present condition in those areas?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) There was scarcity in some parts of Satkhira subdivision.

(*b*) A Special Commissioner was appointed. Test works were opened. A sum of Rs. 45,000 was allotted for gratuitous relief out of which Rs. 35,404 has been distributed up to date.

(*c*) Rs. 2,90,000 including Rs. 10,000 distributed last year.

(*d*) Rs. 10,000 was distributed from the West Bengal Scarcity Relief Fund and Rs. 9,023-0-3 from funds raised locally. In addition 370 maunds 33 seers and 7 chittaks of rice and 2,320 pieces of cloth were distributed. These were distributed through village relief committees consisting chiefly of non-officials under the supervision of official organization.

(*e*) The prospects of a good harvest and the satisfactory *aus* crop have eased the situation.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether there was any case of death due to starvation?

The Hon'ble Sir BROJENDRA LAL MITTER: Not one.

Mr. P. BANERJI: Is the Hon'ble Member aware that in the newspapers there was a lot of reports of deaths from starvation? Why did not the Government contradict them?

The Hon'ble Sir BROJENDRA LAL MITTER: False reports appear in newspapers every day, and if Government were to contradict every false report that appears, it would be an endless task.

Mr. P. BANERJI: Is it not a fact that a person who reported a death from starvation was brought before Court?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not aware of that.

Distress in Jessore and Nadia.

*59. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that there is wide spread distress in large tracts of the country in Jessore and Nadia owing to these regions being overflooded by the abnormal flood in the Mathabhanga, Ichhamati, Kabodak, etc.; and

(*ii*) that crops have been destroyed and people have been rendered homeless and destitute over a wide area?

(*b*) If the answer to (*a*) is in the affirmative what steps have been taken by the Government to give necessary relief in these areas by—

(*i*) starting immediately relief work; and

(*ii*) distribution of seeds for winter crop which has got to be sown immediately after the flood subsides?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) and (*ii*) Government are aware that distress was caused by floods in certain areas in the districts of Nadia and Jessore.

(*b*) In Nadia about Rs. 1,000 was spent from general revenues on gratuitous relief and the District Board sanctioned Rs. 2,500 for the purpose. Some money, raised locally, was also distributed.

Rs. 20,000 was sanctioned for distribution as agricultural loan in Nadia and Rs. 8,000 in Jessore to enable cultivators in affected areas to grow substitute crops.

It has not been found necessary up to the present to open test works.

Maulvi SYED MAJID BAKSH: Why no gratuitous relief from general revenues was given in Jessore?

The Hon'ble Sir BROJENDRA LAL MITTER: Gratuitous relief is not generally given out of general revenues.

Maulvi SYED MAJID BAKSH: The Hon'ble Member says that in Nadia about Rs. 1,000 was given from general revenues; and I ask, why did he not spend money on gratuitous relief in Jessore?

The Hon'ble Sir BROJENDRA LAL MITTER: Because there was no request for such relief from the Collector of Jessore.

Maulvi SYED MAJID BAKSH: Is the Hon'ble Member aware that the area affected so far as Nadia is concerned, is far less than that affected in Jessore?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not aware of that, and I do not accept the correctness of that statement.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member kindly consult the maps of Jessore and Nadia, and say whether the area between Matabhanga and the boundary of Nadia is less than the area affected in Nadia?

Mr. PRESIDENT: Why do you put this question? What is at the back of your mind, Maulvi Sahib?

Maulvi SYED MAJID BAKSH: The Hon'ble Member says that the area affected in Jessore is smaller, and I want to prove that his statement is not correct.

The Hon'ble Sir BROJENDRA LAL MITTER: But this is a question for the relief of distress and not one for comparative examination.

Maulvi SYED MAJID BAKSH: Why was Rs. 20,000 given for Nadia, and only Rs. 8,000 for Jessore?

The Hon'ble Sir BROJENDRA LAL MITTER: Rs. 20,000 was wanted in Nadia and Rs. 8,000 in Jessore.

Maulvi SYED MAJID BAKSH: Who wanted the money?

The Hon'ble Sir BROJENDRA LAL MITTER: Circumstances occasioned the demand.

Burdwan-Arambagh Road.

*80. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) whether it is a fact that 80-foot lands had been acquired with funds allotted for improvement of the Burdwan-Arambagh Road; and

(*ii*) that lands were acquired on both sides of the District Board road?

(*b*) Will the Hon'ble Minister be pleased to state—

(*i*) why lands were not acquired on one side of the District Board road, to enable the people to use the District Board road during the continuance of the improvement work of the Burdwan-Arambagh Road; and

(*ii*) why such portion of the road was not taken up for improvement as could have been completed before the rainy season?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) Yes.

(*ii*) In many places but not throughout the road.

(*b*) (*i*) The alignment of the existing District Board road was a zig-zag one. In fixing the alignment for the improved road, which is expected ultimately to be a trunk road of inter-provincial importance as a link in the proposed Bombay-Calcutta Trunk route, it was considered essential to straighten out the existing road as far as possible while utilising the whole of the District Board land with a view to reducing additional expenditure on land acquisition to a minimum. The alignment selected with this object in view necessitated the acquisition of some land on both sides of the District Board road in most places. A *kutcha* diversion road has been provided for the traffic.

(*ii*) In order to avoid settlement of the embankment taking place after the commencement of soling and metalling a road with a raised formation level is not normally completed until the embankment has been subjected to the action of two successive monsoons so as to allow the formation level to be thoroughly settled. A further monsoon is required to intervene before the completion of the work in order to enable the stone metal to be consolidated. In the present case, in order to expedite completion of the work, the earth for the embankment was broken into small pieces and subjected to the action of only one monsoon. The work of metalling has been already taken in hand and consolidation will be started during the next monsoon.

Prices of paddy and rice.

*81. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Is the Hon'ble Minister in charge of the Agriculture and Industries Department aware—

(*i*) that this year more than a normal crop of paddy is expected all over the Province, specially in the districts of Burdwan Division;

(ii) that the price of paddy and rice has already gone down perceptibly;

(iii) that attempts are being made by traders to bring down the price still more; and

(iv) that the agriculturists have been very hard hit, during the last few years by scanty produce and the low level of price?

(b) Are the Government considering the desirability of taking steps to keep the price at a mark so that agriculturists may not suffer?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (a) (i) A normal crop or more is expected in the majority of the districts in Bengal, especially in the districts of Burdwan Division.

(ii) No. Prices of rice and paddy are higher all over the Province than at the corresponding time last year. Except in Calcutta and Pabna where there has been a slight rise, the price of rice and paddy has remained steady during recent months.

(iii) No.

(iv) Yes. Government are aware that in certain parts of the Province, crops have suffered on account of floods and drought, while agricultural commodities have shared in the past few years in the general drop in price level owing to world-wide economic depression.

(b) Does not arise.

State aid under the Bengal State Aid to Industries Act, 1931.

***62. Babu SATISH CHANDRA RAY CHOWDHURY:** (a) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(i) how many applications for State aid were made since the Bengal State Aid to Industries Act, 1931, came into force, to the Board constituted under section 3 of the said Act;

(ii) in how many cases the Board made recommendations to the Government for State aid;

(iii) in how many cases the said recommendations of the Board were accepted by the Government; and

(iv) what is the total amount of loan granted and given by the Government so far under the State Aid to Industries Act, 1931?

(b) What is the total amount spent on allowances and fees to members and staff of the Board under section 10 of the State Aid to Industries Act, 1931?

(*c*) What is the total amount of the donations, endowments and contributions received by the Board under the Act?

(*d*) What is the total amount so far contributed by the Government towards the funds of the Board?

(*e*) How many industries have so far been created or helped, with their names, as a result of the aid given under the Act and with what result?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) (*i*), (*ii*), (*iii*) and (*iv*), (*b*) and (*c*) A statement furnishing the information asked for is laid on the Library table.

(*d*) Government have been providing money in the Loans budget regularly for the purpose of giving State aid under the Act, but as the local fund of the Board created with the donations so far received has not yet been exhausted, it has hitherto not been necessary to draw upon the Government money provided in the budget.

(*e*) A statement furnishing the names of industries or industrialists so far helped with State aid is laid on the Library table. So far as it can be ascertained all these concerns are reported to be doing well and making good use of the aid given.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether it is a fact that the rules for giving State aid to industries have been amended?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Yes, Sir.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state how many of the 26 applications granted out of the 100 applications were received after the alteration of the rules?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I want notice.

Mr. NARENDRA KUMAR BASU: Is it not a fact that the rules made under this Act were and still are such as to dissuade applicants from applying for loans?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I cannot agree with the hon'ble member that the rules are such as to dissuade applicants from applying for loans.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state whether he considers that 100 applications received in 5 years is a sufficient index of a necessity for State aid to industries?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: It is a hypothetical question and I have nothing more to add to what I have already said.

Mr. NARENDRA KUMAR BASU: Will the Hon'ble Minister be pleased to state in how many years he thinks it would be likely for any State aid being given out of Government revenues, regard being had to the rate at which it is being given at present out of the local funds?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: That is a hypothetical question, Sir.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to answer (*d*), will the Hon'ble Minister be pleased to state the total amount received from donations?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I do not exactly remember the figure, but I think it is over half a lakh.

Rai Bahadur KESHAB CHANDRA BANERJI: What is the present balance of the local fund?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I want notice of the question.

Maulvi ABUL QUASEM: Is the Hon'ble Minister aware that the State Aid to Industries Act is a perfect failure by reason of the rigid and exacting nature of the rules that have been framed?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: That is a matter of opinion, Sir.

Rai Bahadur SATYENDRA KUMAR DAS: Will the Hon'ble Minister be pleased to state the reasons why the balance of Rs. 25,000 which has been guaranteed, has not yet been paid?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: That is a cash credit, Sir.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state what portion of the grant has been surrendered to Government?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I do not think any amount has been surrendered to Government. As soon as the fund created out of public donations at our disposal is exhausted, the amount provided for by Government will be drawn upon.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Damage of agricultural produce in Sunderbans.

42. Mr. KARTICK CHURN MULLICK: (*a*) Has the attention of the Hon'ble Member in charge of the Revenue Department been drawn to the extensive damage to paddy and other agricultural produce in the Sunderban areas in the district of the 24-Parganas, Khulna and Bakarganj, due to flood, tidal wave, drought and cyclone?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, have been, or are proposed to be, taken for granting agricultural loans and gratuitous relief to the afflicted people of the said areas?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Government are aware that some parts of Khulna and 24-Parganas suffered from severe drought which damaged the crops in 1935-36. The damage done in Bakarganj was not severe.

(*b*) A statement is laid on the table showing the amounts sanctioned as agricultural loans and gratuitous relief in the effected areas.

Statement referred to in the reply to clause (b) of unstarred question No. 42.

	From September, 1935, to March, 1936.		1936-37 (up to 31st October, 1936).	
	Agricultural loans.	Gratuitous relief.	Agricultural loans.	Gratuitous relief.
	Rs.	Rs.	Rs.	Rs.
24-Parganas ..	37,810	Nil	7,43,000	85,514
Khulna ..	15,000	Nil	2,75,000	45,500
Bakarganj ..	Nil	Nil	35,000	Nil

In addition Rs. 70,234 has been spent in 24-Parganas and Rs. 19,023 in Khulna from charitable funds including the 1936 West Bengal Scarcity Relief Fund in providing relief. In Khulna about 371 maunds of rice and 2,320 pieces of cloth have also been distributed.

Certificate procedure and Court of Wards.

43. Kazi EMDADUL HOQUE: (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) how many landlords and Court of Wards have been granted the privilege of realising their rents through certificate procedure; and

(*ii*) upon what considerations and grounds do the Government allow this privilege to the private landlords?

(*b*) Is the Hon'ble Member aware that in the Kurigram subdivision in the district of Rangpur calculation and realisation of interest is made on the original demand from the certificate debtor and not on the gradually diminishing balance left after part payments?

(*c*) If such calculation of interest is permitted by the ambiguous terms of section 16 of the Bengal Public Demands Recovery Act, are the Government considering the desirability of amending the Act?

(*d*) Is it permissible for the certificate-holder or of the Certificate Officer to remit interest at their discretion?

(*e*) Do the Board of Revenue issue any instructions to the Court of Wards, issuing certificates regarding acceptance of demands with or without interest?

(*f*) If so, what are the instructions?

(*g*) If no instructions are issued, will the Hon'ble Member be pleased to state whether the Board are considering the desirability of issuing instructions for acceptance of demands without interest where the certificate debtor pays certificate demand relating to the certificate at a time or within a reasonable time?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) (*a*) All Court of Wards estates have the privilege (vide Schedule 1 of Act III of 1913). (*b*) 295 private landlords have been granted the privilege under section 158A, Bengal Tenancy Act.

(*ii*) Upon the terms and conditions laid down by Government a copy of which is placed on the Library table.

(*b*) The interest in Kurigram was being calculated on the original demand.

(*c*) Orders directing that it is to be calculated on the outstanding balance have issued. No amendment of section 16 is necessary.

(*d*) The certificate-holder can forego interest. The Certificate Officer has no power to remit interest *suo moto*.

(*e*) Yes.

(*f*) Collectors were directed, in cases where they are certificate-holders, to remit interest provided the demand was paid promptly after the issue of notice under section 7 with a view to improving collection.

(*g*) Does not arise.

Noakhali Collectorate.

44. Maulvi MAHAMED SADEQUE: Will the Hon'ble Member in charge of the Revenue Department be pleased to lay on the table a statement showing separately for the different grades—(*a*) temporary, and (*b*) permanent, for the Noakhali Collectorate (including the *khas mahal* and mufassal establishment)—

(*i*) the present number of ministerial officers;

(*ii*) the number of Muslim officers in each;

(*iii*) the number of vacancies that occurred during last three years, year by year;

(*iv*) the number of those vacancies which were filled up by Muslim officers;

(*v*) the number of vacancies that occurred during the last three years, year by year, owing to the death, retirement or otherwise of Muslim officers; and

(*vi*) the number of such vacancies as were filled up by Muslim candidates?

The Hon'ble Sir BROJENDRA LAL MITTER: A statement is laid on the Library table.

Electricity within Hooghly-Chinsura Municipality.

45. MUNINDRA DEB RAI MAHASAI: (*a*) Is the Hon'ble Member in charge of the Commerce Department aware of a feeling of dissatisfaction among the private consumers of electricity within the Hooghly-Chinsura Municipality, on account of the rate that is being charged by the East Indian Electric Supply and Traction Company, Limited?

(*b*) Will the Hon'ble Member be pleased to lay on the table the representations received in this connection from private individuals and the associations of the municipal rate-payers?

(*c*) Is it a fact that the unit rate of private consumption is higher in comparison with the rate at which electric energy is being supplied in the other municipalities in the district of Hooghly?

(*d*) Is it a fact that the more recently started Bhatpara Riverside Electric Supply Company is supplying current at a rate lower than that prevailing in Hooghly-Chinsura?

(*e*) Will the Hon'ble Member be pleased to lay on the table a statement showing, year by year, from the year of starting business by the company at Hooghly-Chinsura—

(*i*) the yearly receipts;

(*ii*) the yearly disbursements;

(*iii*) the number of private consumers; and

(*iv*) the total number of units consumed by these consumers?

(*f*) Will the Hon'ble Member be pleased to state what action, if any, has been taken to give effect to the proposals contained in the representations?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) Several representations were received about the middle of 1935 on the subject of the rates charged by the East Indian Electric Supply and Traction Company, Limited.

(*b*) Copies of the representations are placed on the Library table.

(*c*) The only other municipalities in the district of Hooghly in which electrical energy is supplied under license fall within one or other of the licensed areas of the Calcutta Electric Supply Corporation. The same flat rate is in force throughout all the areas served by the Calcutta Electric Supply Corporation and that rate is lower than the rate charged by the East Indian Electric Supply and Traction Company, Limited.

(*d*) A statement showing the rates charged by the two companies is laid on the table.

(*e*) A statement showing such information as is available for the past five years is laid on the table.

(*f*) The company's rates compare favourably with many mufassal undertakings of about the same size and are generally less than those in force in Chittagong, Mymensingh or Burdwan. Government do not propose to take any action.

Statement referred to in the reply to clause (d) of unstarred question No. 45.

HOOGHLY-CHINSURA.

Flat rate for lights and fans per metered unit.

	As.	As.	As.
Gross rate	8	8	8
Rebate*	2	4	6
Electricity duty (borne by licensee)	..	..	..
Net charge per dutiable unit	6	4	2

*The rebate varies according to the load factor.

BHATPARA.

Charge per metered unit.

	Lights only.	Lights and fans.
	As. p.	As. p.
Gross rate	8 0	6 0
Rebate	2 0	1 0
Electricity duty	0 6	0 6
Net charge per dutiable unit . ..	6 6	5 6

Statement referred to in the reply to clause (e) of unstarred question No. 45.

Year ending 31st December.	Yearly receipts.			Disbursements.				*Number of units consumed by domestic consumers.
	Revenue from electric supply.	Revenue from meter rents and other sources.	Total Revenue.	Total working cost.	Depreciation.	Interest and special charges.	Total.	
	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Rs. a. p.	Units.
1931 ..	48,115 5 0	5,497 8 2	53,612 13 2	36,845 0 11	11,758 4 9	6,309 7 0	54,912 12 8	81,019
1932 ..	53,003 13 1	3,886 3 0	56,890 0 1	35,794 5 3	10,372 12 2	13,760 4 6	59,927 5 11	89,249
1933 ..	53,581 8 9	3,986 8 0	57,568 0 9	33,365 5 9	12,378 9 0	12,278 6 9	58,122 5 6	91,772
1934 ..	56,524 9 0	3,477 13 0	60,002 6 0	33,900 11 0	12,504 12 9	11,589 4 7	57,994 12 4	101,358
1935 ..	57,886 7 6	3,030 15 6	60,917 7 0	34,048 6 0	12,620 7 6	11,787 10 10	58,456 8 4	104,916

*The figures in this column represent units sold to consumers *by meters* for lights and fans and do not include those sold by special contract or by temporary connections. Units consumed for lights and fans in Government buildings and public and private offices or institutions are included in this column.

Recommendations of Jute Enquiry Committee.

46. Dr. NARESH CHANDRA SEN GUPTA: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what action has been taken by the Government with regard to the recommendations of the Jute Enquiry Committee on the questions of—

(*i*) fixing a grade for loose jute;

(*ii*) establishment of regulated markets; and

(*iii*) co-operative sale of jute?

(*b*) Is it not a fact that with regard to (*a*) (*i*) there was a complete unanimity and with regard to (*a*) (*ii*) and (*iii*) a substantial unanimity up to a certain point among all the members of the Bengal Jute Enquiry Committee?

The Hon'ble Nawab Sir MDHIUDDIN FAROQUI, of Ratanpur: (*a*) (*i*) and (*ii*) Government decided to leave these questions to be taken up by the permanent Jute Committee when constituted. A Central Jute Committee is now in process of formation by the Government of India and the investigation of these questions forms part of the prescribed functions of that Committee.

(*iii*) The matter has received detailed consideration and various possibilities have been explored but no formal decision has yet been arrived at.

(*b*) Yes.

Rai Bahadur KESHAB CHANDRA BANERJI: When was the Jute Enquiry Committee formed?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I cannot exactly remember the date, but I think it was formed some time in 1933.

Rai Bahadur KESHAB CHANDRA BANERJI: When was the report of that Committee submitted to Government?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I do not remember the exact date.

Rai Bahadur KESHAB CHANDRA BANERJI: With reference to answer (*a*) (*iii*), will the Hon'ble Minister be pleased to state whether or not he realises that the revival of co-operative jute sale societies and their management on right lines are calculated to improve the position to a considerable extent?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: That is a matter of opinion, Sir.

Mr. NARENDRA KUMAR BASU: When is the Central Jute Committee now in the process of formation likely to evolve?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: That is a matter which concerns the Government of India, and I cannot say.

Construction of a new Railway line at Faridpur.

47. Rai Bahadur AKSHOY KUMAR SEN: (*a*) Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether the Government are considering for the convenience of the local public the desirability of approaching the Railway authorities—

(*i*) for the provision of a third line at the Faridpur station; and

(*ii*) for the extension of the Railway line up to Tepakhola?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*a*) (*i*) The provision of a third line at Faridpur station is not necessary under the present traffic conditions, and could not be justified financially.

(*ii*) The question of constructing a siding from Faridpur to Tepakhola has been carefully examined; but the scheme has been rejected as it was found to be unremunerative.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether or not there is a great demand for the construction of a siding from Faridpur to Tepakhola?

The Hon'ble Sir JOHN WOODHEAD: Sir, it is largely a question of opinion, and I cannot answer it.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Member be pleased to state whether or not a large number of passengers travel *viâ* Tepakhola to Faridpur?

The Hon'ble Sir JOHN WOODHEAD: Not that I am aware of. They travel by steamer to Tepakhola and then by road to Faridpur.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether it is a fact that one station is going to be removed?

The Hon'ble Sir JOHN WOODHEAD: No, Sir, I am not aware of that.

Rai Bahadur KESHAB CHANDRA BANERJI: Were any representations from the public received for the construction of the siding?

The Hon'ble Sir JOHN WOODHEAD: No, Sir. I believe Government have received no representation.

Special Motion under Section 78A.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I beg to move that this Council approves the proposal that the Government do make an agreement with a Company to be established with the object (among other objects) of providing a means of affording financial facilities to persons setting up or carrying on business (particularly of a manufacturing or productive nature) in Bengal who satisfy the Company that, whilst having reasonable expectation of ultimate success on an economic basis, they are not for the time being in a position to obtain financial facilities from banks or financial institutions primarily engaged in affording financial facilities for long or medium term periods, and that such agreement do provide for the following among other matters, namely:—

(*a*) the payment by the Government to the Company, in respect of the first five financial years of the Company, of the amount properly expended by the Company in administration expenses in each of the said years or a contribution of twenty thousand rupees towards the expenses in each of the said years, whichever is less;

(*b*) the payment by the Government from time to time to the Company—

(*i*) of sums equal to one-half of any losses of capital attributable to the first ten lakhs of rupees lent by the Company;

(*ii*) of sums equal to one-half of any losses of capital attributable to any amount lent by the Company after and in addition to the first ten lakhs of rupees, provided that the capital sums covered by these subsequent loans in origin formed part of the said sum of ten lakhs of rupees;

and this Council also approves the further proposal that if the Company undertakes to afford such financial facilities to persons trained

under the Detenu Training Scheme, the Government may, if it thinks fit, agree with the Company to pay in full the amount of any losses of capital incurred by the Company in making loans to such persons.

Sir, in moving this special motion, I would at the outset invite the attention of the hon'ble members to my last budget speech when in asking for the grant under "Industries," I made an endeavour to review the steps taken by the Ministry of Industries during the last seven years for the development of nascent and indigenous industries in Bengal. I shall not weary the patience of the hon'ble members by a reiteration of what I said on the occasion, but I may submit that our policy in the matter of industrial rehabilitation of the province has received much added impetus since then. The present resolution would mark one more step—bolder than any taken until now in Bengal, if not in India—to the goal towards which we have been steadily advancing.

Sir, we know that our country is mainly agricultural, and in my last budget speech I took the opportunity of acquainting the members of the Council with the measures which have been adopted by the Ministry of Agriculture for the promotion of agriculture in Bengal. It is now admitted on all hands that neither agriculture nor industry can by itself contribute towards the all-round welfare of the province, but it is upon the dynamic equilibrium attained by the well-planned development of both that the economic regeneration of Bengal so largely depends. The province has to depend on imports for various necessaries, but for the manufacture of these, we have men and materials in abundance. The development of those industries, therefore, for which Bengal possesses comparative advantage would create not only scope for the employment of the people, but would also lead to the conservation of wealth. But it is well known that industries in Bengal suffer from adequate capital not always forthcoming, which is due to a large extent to what may be called the shyness of capital. With a view, therefore, to provide funds to deserving industries the State Aid to Industries Act was passed and given effect to. The need for the development of industries, particularly those conducted on cottage and small scale, was further accentuated by the problem of unemployment. It is a matter of common knowledge that our Universities and technical institutions turn out every year far larger number of qualified young men than can be possibly absorbed by the existing sources of employment. It was in the interest of the country that some fresh avenues of employment should be opened to these young men, and it appeared that development of small and cottage industries was one of the possible means of affording employment. The Department of Industries had for a considerable time been studying the economics of a number of industries, and it emerged from their investigations that there was a potential demand for technically trained middle-class youths in the

small industries of the province. For, these small industries which already employ a larger number of workers than all the organised industries put together, have scope for further expansion. These industries cater to the common needs of the people, and their products have more or less an assured market. Because of their local situation and of their being *swadeshi* in the truest sense of the word, and having traditional associations with the life of the people, they enjoy a certain measure of natural preference or protection. But their methods of manufacture are old-fashioned and inefficient, and, as such, they stand badly in need of all-round improvement not only in quality but also in cost of production, which can come from trained and qualified labour. It is thus apparent that the small industries require the assistance of the qualified young men who are turned out every year quite as much as the latter require employment. The most feasible solution of the problem of middle-class unemployment, within the available resources was, therefore, to bring these two together. It might be remembered that early in January, 1932, I invited suggestions from a number of members of the Legislative Council for schemes which would "offer a medium of lucrative employment to as many of our youths as possible." I need hardly remind the House that the Unemployment Relief Scheme has been based on the suggestions which were put forward by my friend Mr. Narendra Kumar Basu in consultation with Mr. S. C. Mitter, the then Industrial Engineer. The scheme has been working to the satisfaction of all and commendable references to it were made by the United Provinces' Unemployment Enquiry Committee, presided over by so distinguished a person as the Right Hon'ble Sir Tej Bahadur Sapru. The industrial demonstration parties, organised under the scheme, move about in the mufassal towns of Bengal, and in distant villages, and, I am happy to say, have succeeded in creating an industrial atmosphere in the countryside. Nothing is more important for the industrial development of the province than this industrial bias, and it will be recognised as a change for the better that our young men are shaking off their aversion to industrial pursuits and do not hesitate to tread off the beaten track of earning a livelihood from humble services. Many of the young men who have received training under the scheme have started factories of their own and are earning a decent living. But experiences has shown that there are many again, about the soundness of whose training and general efficiency there is hardly any doubt, but who have not been able to take a start owing to lack of funds. They could have done as well as anybody else, could they procure the required capital; and unless they are enabled to put into use their training, the time and energy spent over it will have gone in vain. The State Aid to Industries Act has been rendering in its own way whatever help is possible, but more facilities for credit should be made available if the scheme were to attain in full measure the purpose which it was meant to fulfil.

There has since been a very important development. The House is aware that the unemployment relief scheme has been extended in part so as to bring under its purview selected detenus with a view to enable them to assist in developing the natural resources of the country both to their own profit and the advantage of the country at large. The first batch of detenus, who were selected, have completed training and since been released, and the hon'ble members are aware of the financial assistance which has already been given to them for the starting of their factories. As in the case of the young men trained under the scheme, most of the detenus are not in a position to procure their own capital, and if they are to make the best of their training, they should be given reasonable financial accommodation.

These two factors, coupled with others of similar nature, point to the need of the extension of large credit facilities to our industries, and it is the purpose of this motion to form an organisation which would provide credit facilities without limiting themselves to any particular group of persons and constitute an important part of the general scheme for the solution of the wider problem of unemployment. It will be admitted on all hands that no attempt to solve the problems of unemployment can offer any hope of success in the long run unless it has not only the support of public opinion but also the practical backing of the investing public. That such support and backing, in the requisite degree, will be forthcoming, Government have every reason to hope, and I would, therefore, ask for approval of the House to proceed to give practical effect to the proposals contained in the motion and for the authority to pledge Government support and financial assistance to the extent indicated in the motion.

The Company to be established, and with whom Government will enter into agreement, will be a company registered under the Indian Companies Act. To inspire sufficient confidence of the investing public, Government have decided to contribute a sum not exceeding a lakh of rupees, spread over a period of five years, towards the running expenses of the company, and a guarantee to the extent of Rs. 5 lakhs for the recoupment of any loss of capital that may be incurred in respect of advances made to approved applicants. As regards trained detenus, Government, with a view to avoid practical difficulties and ensure ready availability of credit facilities, would, if and when necessary, undertake full responsibility for any loss of capital. And in this manner the financing of detenus will also be made a part of the general scheme for the extension of credit facilities to deserving small industries.

It will be the function of the Company to make advances at reasonable rates of interest when it is satisfied that the applicants have a reasonable chance of making the industry, on which they desire to embark, a profitable concern. The Company will make suitable

arrangements for the supervision of undertakings set up with its assistance and to furnish technical advice when necessary. It will also be a function of the Company to maintain an organisation for the purchase of raw materials as also for the sale and marketing of their finished products turned out by these undertakings. In short, the Company will have to act as the guide, philosopher and friend of its clientele, and be indirectly entrusted with the responsibility of furthering industrial progress of the province.

Sir, it is indeed difficult to overemphasise the importance of the proposals contained in this motion, to the industrial development of Bengal. For, without financial accommodation of this nature, no progress in the establishment of small industries on sound commercial lines can be expected. It is the considered opinion of competent observers that one of the possible means of mitigating the incidence of unemployment consists in the development of small scale industries which would provide immense scope for the useful employment of the energy and ability of the younger generation of the country. It is idle to seek to achieve any real or lasting improvement in the matter of unemployment without effectively securing the means for the general extension of credit facilities to persons about to engage in small industries who would not in the ordinary course be able to secure the necessary credit to enable them to set up business. I need hardly mention that the industrial future of Bengal will to a very great extent depend on the progress and prosperity of the credit institution which is sought to be organised under this resolution. I appeal to the hon'ble members of the Council and through them to the investing public, to extend whatever support they can afford to give to this measure and enable Bengal to give a lead to the other provinces of India in the matter of effectively solving one of the most formidable problems facing the smaller and cottage industries as a whole.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. W. C. WORDSWORTH: I welcome this opportunity of using my unimportant voice to add to the flood of appreciation that this proposal will certainly evoke. We have waited for something of this sort for a very long time. In a remote past the Industrial Commission observed that the lack of any satisfactory system of financing the small industries of India was a great defect in its business organisation. Ordinarily, banks finance the big industries, but for obvious reasons they cannot do much for the small; they cannot for example be sympathetic towards struggling small industries with their depositors' money. They exist for other purposes.

What then is the small industrialist to do? He has hitherto depended on his own personal resources or anything his friends can give

to help him; and friends however friendly have this failing as business supporters that they like to feel that their money is more or less on call, whereas the industrialist, small or large, needs loans on long term and dislikes being continually reminded of them. We have of recent years come to a further stage in development. State Aid to Industries Acts have been passed in various provinces of India. We have heard some keen questioning about our own measure of the kind to-day, and as I have not the competence nor the wish to enter in detail upon an examination of the consequence of this measure, I content myself with observing that I share the common opinion that they have not made a new heaven or a new earth in the north, south, west or east of India. They have, however, established this advance in thought, that they have recognised a duty in Governments towards the small industries of this country, a duty that was recognised long ago in most other countries where private banking was not sufficient.

So we come to this third stage, and I imagine that the proposal now before us, if accepted, will give hope and confidence to many small men struggling against a load of difficulty and anxiety. It is a new departure, to be welcomed as a courageous enterprise. Those who have interested themselves in the small indutries of Bengal can tell of many men who, competent in themselves and in their management, and finding good markets for their products, have yet come to grief, unable to meet a temporary emergency because they have to live from hand to mouth for want of capital. In this province Sir Daniel Hamilton is always telling us of the days in Scotland when a young man of energy, courage and probity could get loans, one pound notes, as he likes to put it, either from a bank or some other source in return for the industry, energy and probity that he was trusted to use in the future. This new credit corporation takes us somewhat towards that position. Not every country is a Scotland, unfortunately, but this measure, I think, will make a small advance towards a desirable state of affairs.

So much for the first paragraph of the resolution, which deals with the small industrialist.

The last paragraph deals with the small detenu who wishes to become a small industrialist. This House has on occasions supported Government's policy with regard to detenus. It has supported it with considerable reluctance, but Government has embarked upon that policy with even more reluctance. I may refer here to the admirable speech in which Mr. Narendra Kumar Basu put the feelings of many in this House a few days ago in a short discussion upon a grant towards detenus' training. Restraint apparently we must have. But if restraint, we should have something else. It is reasonable that we should do something more, something by way of positive achievement, to make up for that restraint. In this intention we can see the fine

mind and personality that is behind our friends on the Government benches in all that they do. We have seen a good deal of mere detention in Bengal, but now at last we seem to have found a way out from the inertia of the past. In compensation—if you accept this word: it is not adequate—for whatever loss is caused by this restraint Government offers something positive, something active. Compensation, a few in this House will say, for a wrong done. Compensation, most will say, for a hard necessity. Whatever view we take, it doesn't matter so long as we welcome this new proposal as a good, a good to young men who have been in difficulties, a good to society, a good by economic tests, a good by the political tests that we must apply in our minds when we consider the last paragraph of the resolution.

So, speaking, I am sure, on behalf of many in this House, I would thank Government as a whole and the individual members specifically concerned in this proposal, the Member in charge, and the Finance Member who has agreed and has allowed himself to be convinced. I am sure that we are all thinking too of Mr. Mitter of the Industries Department whose sympathetic work for the detenus has commanded as much attention as his other admirable services to his department. Finally, I repeat, we owe a special feeling of obligation to the Governor of the province, whose fructifying influence we can see in the proposal we are considering.

There are risks in it, I suppose, though from the figures put before me the risk would seem to be small. But even if there is any risk, let us regard it as justifiable risks, whether in reference to the industrial welfare of this province, or in reference to the needs of those young men who have strayed into the wrong path and whom we hope to see by this and other instruments of administration brought back to the straight and narrow way. So, in welcoming the scheme, let us not be excessive in our demand for assurance that there will be no loss. We are in Bengal spending a great deal of money, I do not wish to say unprofitably, but entirely on restraint; and if we risk a little in an endeavour to do something better, in the endeavour to ensure some positive achievement for the good at once of industries and of the young men who have gone wrong generally through desperation from want of employment, let us for all these reasons welcome the proposed credit corporation as a pioneer enterprise in this province, and I think in the whole of India, as a courageous venture, and as an useful step towards better industrial and social equipment.

Babu JATINDRA NATH BASU: Sir, I welcome the promulgation of the scheme incorporated in this resolution, and I congratulate the Hon'ble Minister for bringing forward this resolution before the House. For a great many years it has struck all of us that the people and the Government have not been doing their duty to the fullest extent

the youth of this country. We have had during the last 50 or 60 years certain sources of employment in which the youth of the country could engage themselves. But a point of saturation was reached a long time ago, and very little appears to have been done to find out new avenues of employment for the youth of the country. I am glad that the Government is now turning its attention towards performing this obvious duty. Sir, the Hon'ble Minister has pointed out that young men though trained in industries have no facilities to establish themselves in business. Without adequate funds it is not possible for them to reduce into practice the training received by many of them, and many young men have been induced not to train themselves for small industries, because they found that those that had received such training were doing nothing and were not in a position to do anything. This scheme that has now been brought before the House will render it possible for them to be placed in a position to work out a scheme for their livelihood. Sir, it is dangerous to society to have a very large number of young people who with the desire to work for their livelihood and make themselves useful members of the society find every door closed against them. This resolution gives us some ray of hope that they will not find all doors closed against them, but that they will have the opportunity of entering life with some assurance of success. It is a great and statesman-like step, and I hope that its importance will be fully appreciated. No doubt the measure will require the greatest care in working it, but if it is carried out with the will to benefit those for whom it is intended and with ordinary business prudence, I am confident that it would enable a great many young men to tread a new path instead of trying to overcrowd the few avenues of employment that are now open to them.

I trust the scheme will be put into practice at as early a date as possible and that it will receive the full measure of support that it deserves.

Mr. NARENDRA KUMAR BASU: In rising to give my wholehearted and cordial support to the scheme adumbrated in this resolution, my first duty will be to acknowledge with gratitude the statement made by the Hon'ble Minister with regard to the small share that I have taken in starting the small cottage industries scheme. Sir, when our scheme was started immediately after the passing of the State Aid to Industries Act, it was the hope of many of us that the problem of unemployment of middle class youths of Bengal would in a measure be solved by these two proposals. But unfortunately a policy which has been so appositely characterised by Mr. Wordsworth as the policy of "assurance of no loss" permeated the working of the State Aid to Industries Act, and therefore many of our young men who were trained under this scheme could not find proper avenues of employment out of

these schemes. It is no use giving young men a training in arts or industries, unless you can at the same time give them facilities for starting works of their own. Bengal is proverbially a poor country, and it is very difficult for our young men to find out the necessary capital even for working a small industry, and when they have nothing but their own training and their own right hand—nothing more than that—to give as security, of course no bank would give them any money. We should have thought that the Board of Industries would come to their relief, but that Board has not, and the question was becoming more and more acute as time went on. I am therefore glad to be able to pay my tribute to the author of this scheme for taking such a very bold step indeed—indeed I do not know that any alien Government has up till now made any attempt like the present one for grappling with the industries and the unemployment of a subject nation. Sir, I am not at the present moment going into the reasons of the poverty of this country: that is neither here nor there; but for what we have got from Government I for one am deeply happy. It is a scheme by which Government guarantee the loss of an Industrial Corporation even to a small extent. Not being a financier, I do not know if it is generally done in other countries, but I do think that, so far as Bengal is concerned, it is a far-sighted and a very welcome measure, and, if anything, it will certainly help in solving the problem of unemployment in this province. But I only hope that Government will not interfere too much with the working of this Corporation, because we know that however magnificent the intentions may originally be, if Government once begin to interfere, they would take a commercial view of things. The State Aid to Industries Act was launched with the express object of aiding the industries—of aiding nascent industries—of this province and of trying to give aid to young men to start industries. The intention was there all right, but in its working it failed. I do not find in this long resolution which has been read out by the Hon'ble Minister anything about the interference with the administration of the Company by Government as an effect of the guarantee given by Government, as an effect of the advances made by Government for the first five financial years. I hope, Sir, that this company will be nothing in the nature of a Government or a semi-Government concern. I hope that this Corporation will be administered by a band of men who will have the best interests of the country at heart and thus bring to fruition the good wishes and the sympathies of the noble originator of this scheme.

As regards the second half of the resolution I have nothing but praise for it. My views on this question I expressed only the other day, and I do think that it is not only something which Government ought to do but something which Government owe it to themselves and to detenus to do. The question of financing the industries is one of

very great difficulty. So far as *bhadralog* industrialists are concerned, the question of organising their trades is all dependent upon finance, and, as I have already said, if even for men who are outside it is very difficult to get finance, how much more difficult it is for men who have been kept in confinement for years; to give them a training and send them drifting into the world would be not only a crime but a blunder. I am glad that Government have at last taken this step and are finding money to allow these young men to have facilities to carry on the industries they have been trained to learn. I hope that this resolution will have the enthusiastic support of non-officials from every section of this House.

Maulvi ABUL QUASEM: I rise to give my support to the motion that has been moved by the Hon'ble Minister in charge of the Department of Agriculture and Industries.

Sir, I characterise the proposal as the inevitable and indispensable climax to all those beneficent measures which Government have so far taken towards the revival of old industries and the starting of small and cottage industries. Sir, the Ministry of the Hon'ble Nawab Sir Mohiuddin Faroqui has been made memorable by many really bold and beneficent measures having a far-reaching effect upon the revival of the industries of this province. Sir, it is a pleasure to acknowledge publicly the labour and industry and the constant thought and energy he has applied to the solution of our industrial problems. The measure of approbation and success that has already attended his labours should gratify not only him but also those who have closely followed his indefatigable labours in the cause of the industries of our province. Sir, what has been lacking in our country for the success of industries is want of facilities for ready and cheap credit. It is notorious that private capital is very shy in our country, much to our shame and much to our regret. We all cry for the industrial regeneration of this province, but we are not willing to pay the price. Government no doubt have been doing much so far as public money is concerned. But they have waited long, in my opinion far too long, in taking the bold step that they are now asking the Council to approve. Sir, it is well known, and only to-day by a supplementary question I tried to give expression to an opinion which is widely held and you, Sir, were pleased to characterize it as an opinion—that the State Aid to Industries Act has been a perfect failure. As an elected representative of this Council on the Board of Industries, I have seen how many applications for State aid are rejected on account of their failing to furnish perfect satisfaction about the securities offered by the applicants. I have no hesitation in characterising the rules that guide the grant of State aid as rigid and exacting in the extreme, and more often than not an application has perforce got to be rejected by the Board of Industries because an applicant does not satisfy the required standard,

because he has not got the recommendation of his District Officer, that is indispensable to his being given such aid. The result has been that many people feel disheartened, because they think that there is no chance of their getting that aid from the State that they expect to start and carry on their industries with. The present is a proposal which seeks to supply the deficiency that has been so far prevailing. Sir, we commend this measure for more reasons than one. My principal reason is that it is a measure which will apply to all people who, in the words of the motion, "are setting up or carrying on business and who satisfy the company that whilst having reasonable expectation of ultimate success on an economic basis, they are not for the time being in a position to obtain financial facilities from banks or financial institutions, etc." This, Sir, will apply to all people, the generality of the youths of our country who are unemployed and who are in consequence in a terrible state of mind and thought. Sir, the problem of middle class unemployment has assumed proportions which many do not fully realise. Speaking for my own community from personal knowledge, may I say that there are Muslim graduates who would be thanking their stars if they could get a job on Rs. 20 or Rs. 25 a month? I have myself tried to get some of them jobs, but I have failed on more occasions than one. If this terrible state of unemployment among the educated youths of our country is to be put an end to, measures bold and far-reaching showing vision and imagination—such as that proposed here to-day—are direly needed. I congratulate the Government as a whole on their having come to such a statesman-like and liberal decision on this point.

Sir, Mr. Narendra Kumar Basu has referred to the last paragraph of this motion which relates to detenus. The other day, speaking on a motion with regard to the proposal for loans and advances to detenus who have been given industrial training, I supported and congratulated Government. These people have been detained without trial; complaints have repeatedly been made that a great principle has been sacrificed, the principle of justice and the principle of law, in detaining without trial a large number of educated young men of our country. It has been even suggested that Government have detained them out of spite. I do not agree with that view of the matter. I have always believed, and great nationalists have publicly avowed, that there has been a terrorist movement in this country and that unfortunately a large number of the educated young men of our country got entangled in the shacles of the movement. Government had therefore to adopt stringent measures for the safety of society at large. I have been a constant critic in this House of Government in its various departments. As regards one matter, I believe my attitude has been constant and steadfast; I have always given my whole-hearted support to Government in any reasonable and necessary measures which have been designed to uphold law an order. Whatever sneers have been expressed

as regards the crying necessity of maintaining law and order by bureaucratic and alien Government. I think it cannot be gainsaid that no civilised Government can exist without maintaining law and order. We are going soon to change from one form of Government to another. I believe the sneers with which measures for the maintenance of law and order used to be received in days past would be things of the past; I have no doubt that when power will come to our hands and we are faced with the situation which confronted the present Government, we would realise why these people were detained. I think strongly, however, that in the interest of the public Government owed a duty to these people. These people were detained and maintained at a huge public expense; there was no future for these people—there was no hope for them. Their families suffered and a huge amount of public money has had to be expended from year to year in maintaining a large number of people in absolute idleness. The other day I suggested that some good angel showed to the Government a way out of the darkness which enveloped the future of these people. The detenu training scheme that has been adopted by Government is one of the most beneficial measures that this Government may well lay claim to credit for. These people have been and are being trained in camps in particular industries and also in agriculture. The other day I told the House that I had the privilege of visiting the agricultural training camp at Dakshin Chatra near Maslandpur and that I then mixed freely with these young men. Sir, I was then struck by the excellent spirit in which these people were working. I think, Sir, that our public men would be serving the cause of the detenus better and more effectively, instead of bringing forward motions on the floor of the House, asking Government to release the detenus immediately and without condition, they tried to persuade these young men to come in larger numbers to these training camps because that would help these men in earning a decent livelihood and facing the future with confidence. The policy of releasing detenus *ad hoc* has not been met with success. Recrudescence of terrorism has taken place after every such release. That is why, Sir, I supported the Government the other day in opposing a motion for wholesale release. I feel, Sir, that the money that the Government is going to advance to the proposed Company is going to be well spent. It is an extraordinary measure to lend money without any security to young men who, in the opinion of Government, would be expected to make good in the industries which they would set up. It is an extraordinary measure, as it is rather playing fast and loose with public money, but I do think, Sir, that a desperate malady requires a desperate remedy. Government have thought fit to lend money to these young men in the hope that they will become useful citizens and honourable members of society. I think Government is right in taking this step, and I hope that public money will be well spent.

Sir, I have often heard the cynical observation made that it were better in these difficult days of economic distress and unemployment to become a political suspect and a detenu and get maintenance at the cost of the State. It is well, therefore, that the Government propose that all people as well as the detenus shall receive accommodation from the bank. If facts have to be faced squarely, this terrorist menace has got to be effectively rooted out by all possible means. Government appear to have at last adopted the most suitable means. Therefore, I feel that though a large measure of risk is being taken, that risk is worth being taken. Mr. Wordsworth rightly congratulated the Government as a whole on having adopted this bold measure. He singled out our great and good Governor and paid him a well-deserved tribute. I wholeheartedly join with him in paying this tribute. We feel, Sir, that at the head of the administration of the province there is a statesman with vision and foresight, one who is not content to follow the beaten track, but is eager to strike out new and fruitful lines of action. Much is due to him, Sir, for the bold measure which has been adopted. The Government as a whole do deserve full credit. Every single member of the Government has been wholehearted in support of this measure. I have already singled out the Hon'ble Nawab Sahib for the bold action he has taken and he deserves all praise. In this connection, Sir, we cannot lose sight of the fact that the conception of the whole scheme largely and its execution entirely has been due to our esteemed friend and colleague, Mr. S. C. Mitter, Deputy Director of Industries and Industrial Engineer to the Government of Bengal. Mr. Mitter has shown courage of an extraordinary order in shouldering perilous responsibility. The success of the detenu training scheme has in very truth been due to his initiative, energy, resourcefulness and ceaseless labour. I for one was very sceptical at the beginning about the success——.

(At this stage the member having reached his time-limit resumed his seat.)

Maulvi TAMIZUDDIN KHAN: Sir, I have full sympathy with the object of this resolution, and I give my wholehearted support to the scheme. If our Government has been criticised rightly for any drawbacks, I think it is the drawback of over-cautiousness. The House as a whole and many members of the House have been pressing for various schemes to be taken up by Government, but Government has been consistently turning down many of them through sheer over-cautiousness. Here is one instance in which it is refreshing to find that Government have taken courage in both hands and have decided to take a bold step. It is really refreshing to see nowadays that our Government musters courage enough to launch bold schemes of far-reaching efficacy. All that can be said in praise of the scheme has already

been said, and I do not like to take up the time of the House by dilating upon these things any further. I only want to say this that in working out this scheme all reasonable facilities should be given to persons who will be applicants for loans from the Company. If very stringent rules are framed which will have to be satisfied before loans can be advanced, I think the purpose of the scheme will be frustrated. It has already been pointed out that the State Aid to Industries Act has not been functioning properly on account of some stringent rules. It is also an open secret that the Land Mortgage Bank Scheme is going to be a practical dead letter on account of the stringent rules that have been promulgated. I would request Government to see that no such stringent rules are framed so far as the working of this scheme is concerned. We are now taking a very bold step, and it should be ensured that those who are intended to be benefited by this scheme do really get the benefit. The Company that is proposed to be started will have various objects. The advance of loans to applicants under this scheme will be one of its objects, but it will have also other objects. Theoretically this resolution seems to have one defect. The Government will undertake to pay to the Company at least Rs. 20 lakhs per year for the first five years; that will be a very large sum for the Government to spend. I do not say that that sum should not be spent. I would rather go further and say that *if necessary* larger sums should be spent, but the question is that the Company that will be formed may not give adequate aid to persons applying for loans and yet take from the Government about Rs. 20 lakhs a year for five years to give loans for the starting of the industries. This is just theoretically possible under the terms of this resolution. I want that such rules should be framed that the Company may not take this 20 lakhs per annum without providing a certain minimum amount of help to intending persons. I do not wish to say anything more. I am sorry to find that Government has taken a somewhat pessimistic view of the scheme and has provided for losses only. If there is loss, what is to be done and certain things have been provided for. I hope that there will be no loss. Wherever the word "loss" has been used, I think it would have been proper if the "if any" had been inserted after the word "loss." The absence of these words "if any" shows that the Government is rather pessimistic about the working of the scheme. I hope that if the scheme is working in the proper spirit and under proper guidance, it will be a complete success.

With these few words, Sir, I support the motion.

Mr. B. C. CHATTERJEE: It is my delightful duty to join in the chorus of congratulations to the Hon'ble Minister for piloting this resolution through. This resolution is an encouraging intimation of the good times that are coming. It is a resolution which has behind it the courage of democracy instead of the timorousness of bureaucracy. I

mean no slur on the members of the Civil Service, but I suppose that while they found themselves in the situation that they were entrusted with money not belonging to them or to their countrymen, they had to be more careful about the expenditure of that money than Englishmen in a similar position in England would have to be. Quite right; civil servants have felt that they must take great care, that they must be very cautious in spending India's money on projects which are attended with risks. But the Hon'ble Minister who happens to be an Indian can handle India's money with greater confidence and greater expectation of his countrymen's approval than an Englishman or an English member of the Indian Civil Service could. I can quite realise it. But I see that the Executive Councillors, men like Sir Robert Reid and Sir John Woodhead who must have been consulted over this resolution, have actually assented to it. That is a great performance both on the part of the Minister and on the part of the Executive Councillors. That Sir John Woodhead wedded to his financial orthodoxy should have given his assent to this measure shows that under democracy members of the Indian Civil Service may be expected to be reasonably democratic. If the Hon'ble Minister has managed to pull round these big men like Sir Robert Reid and Sir John Woodhead with him in this matter, then I should say there is hope that in future when our democratic Government gets going we will not have very much difficulty in managing our civilian secretaries. That is something.

In the second place, one must congratulate the Hon'ble Minister on the ultimate portion of his resolution. Unlike other resolutions, the beauty of this resolution is in its tail. It argues real courage and statesmanship that you are going to include political prisoners in the scheme; it is really a matter of much congratulation to Government. It means a revolution in the views of Government; it means that the Government of Bengal have after all been converted to the views of the people like us on this side of the House. I may just say one or two words about it. We have all along been crying for measures of kindness and consideration for the men who are detained, instead of mere detention involving untold suffering not only to them but to their relatives. If I may be permitted to say so, a prophet in India said (a matter of about 2,500 years ago) that hatred does not kill hatred, but love kills hatred. The doctrine proceeds from no maudlin sentiment, but formulates a law of human nature. It is the verified experience of mankind that hatred does not kill hatred; it is also the verified experience of mankind that love kills hatred. Another prophet said something very like it 500 years later. Mankind has been very slow to act on that doctrine, specially Governments of different lands; but I congratulate the Government of Bengal on the courage they have shown in accepting and acting on the doctrine in this particular instance. For hatred they have returned love. They have trained up the men under detention, provided funds for starting them in business.

It would be rather sickening if I just go on praising the Hon'ble Minister as everybody has praised him; they are of course right in praising him, for praise is due. But let me give a genetical account of why this resolution has been put forward by the Hon'ble Nawab Faroqui instead of any other Minister. You will remember he comes from Comilla, the only part of Bengal where Islam and Hinduism met not to collide, but to coalesce into the synthesis of Sufism. Comilla is the only part of Bengal where Hindus have had Muhammadan *gurus* and Muhammadans have had Hindu *gurus*, and it is in the propriety of things that my friend the Hon'ble Nawab who belongs to Comilla should be at the back of this resolution. I wish also to congratulate my young friend Mr. Mitter on this. You will find that it is almost a law of Bengalee nature that great men have very small sons. But here is Mr. Mitter who had a great grandfather and a great father; and in spite of the handicap of his distinguished ancestry, he has done work which will be remembered in Bengal for his own sake and for its own sake. That is a great performance. I only wish that there would be more Faroquis and Mitters.

On the top of this, a great point that shines out like a beacon is that it is a national resolution, and not a communal resolution; it applies to every Bengalee irrespective of community or caste. I have said enough and I have no doubt that this resolution will be unanimously accepted.

Maulvi SYED MAJID BAKSH: It will be late in the day to speak on this resolution in the strain in which it has been spoken to. Much has been said about the beneficial effect that will accrue from this resolution, and I think I shall be treading the beaten path if I repeat those things once again. It has been said that the highest art is to conceal art and the best praise is in concealing praise. I do not say it is an artistic move which will bring home to all concerned that for once we have got a resolution in this House that sets forth the views of all those who think not only of unemployment but also about the solution of the problem of the day. We in Bengal hear from all that we cannot conceive of business in a business-like spirit, that whenever we lay our hands on business it is a failure. Some attribute this to the defect of not having proper business training and to our university education which only develops our theoretical and intellectual side and not our practical side. If anything else is responsible for this defect in our character it is the want of capital wherewith to conduct the business, as has been previously said by Mr. Wordsworth—it is the want of confidence of men who possess the wealth. We sometimes wonder how in Calcutta the Punjabis who come from a long distance and from nothing else as it were build up a big business. We do not know perhaps that when these Panjabis go back to their own country they are amply supplied with funds. Men who have money finance them purely on trust

without any interest——if necessary, on division of profit. This has been the secret of success of the people who come from outside Bengal. In our case it is impossible to conceive of such Bengalis. I admit that in some cases such trust has ended in failure, but if for one case of failure we distrust these young men who want to learn business, I think business cannot succeed. There have been failures not only among Punjabis, but if you read the history of business you will find that there have been big historical failures in Europe; but nothing daunted the people of European countries began to trust their money in business and when learning methods by repeated failures one or two persons became successful reward was theirs. These persons had their reward. In this way we must put some courage in building up business. Of course there is shyness in the capital in this country, and there is shyness in our capital which do not trust our young men, but Bengal being a very rich country, rich in agricultural produce it pays more to lend money on interest than to invest in business. It is for this reason that capital has been shy to come out of the time-old groove of lending money on interest and not advancing money on business. At this juncture we must thank Government and congratulate those who have conceived this measure with the risk that is going to be taken by Government. Instead of businessmen who through inexperience or timidity are not willing to supply funds to these young businessmen Government have come forward to supply funds and are going to lend their helping hands to these persons.

I for one would like to praise the Hon'ble Minister in no small terms for the great conception that he has made in this resolution. I do not like to repeat the words of adulation already used. It is enough for him to be satisfied that at least he has done a great act which will make him remembered in the country.

I am at one with those in congratulating the Government that the detenus have been brought into this picture, and that a small measure of sympathy is being extended to them by setting them up in business after training them in business matters in order that they may earn their living. Speaking from that point of view, this measure is extremely welcome. This will take away some of the poignancy of the situation in this endless detention. I do not know if terrorism will be wiped out as a result of this, but I do think that some persons who would have been terrorists for want of employment would not find themselves in hands of terrorists, but would become good businessmen after some training. For a sufficiently long time there has been a great clamouring in our country that our business has been taken away by Marwaris and other people. This will usher in an era which in the end will find us in a position when we can challenge anyone either in India or in other countries in our business methods and

instincts. In other words, from a race of clerks I hope we will be converted into a race of businessmen. This is only a small beginning, and those who jeer at us as some our friends will live to pray—I hope they will live to pray—I would ask them to look at the small seed. We naturally jeer at it and feel diffident as to how it will produce the tree, but at the end the tree is produced in spite of the jeers and jibes that are flung at it. I hope a great way has been begun by the Hon'ble Nawab Sir Mohiuddin Faroqui at the fag end of the Council when he is quitting this House after a long service of seven years. He will go away with the pleasure that he has evolved a solution of the problem which was facing all of us and the solution of which we have not been able to find so long. I hope the resolution will commend itself to the members of this House, and along with the encomium that has been showered upon the Hon'ble Minister mine also is offered.

Mr. CHARLES GRIFFITHS: Sir, speaking on the motion now before us which is the outcome of unemployment and unrest in the country, I would like to remark that education is an investment, and if an investment is to be profitable, we must invest wisely.

With the interest I have taken in the matter, it appears to me that we are suffering from a surfeit of academic education and have failed to adapt our learning to the changed conditions of recent years. A literary or academic education was no doubt a necessity a hundred years ago, when the development of the country in such education on western lines represented the initial stage in its progress; but in the growth of present-day industrial enterprise, what actually seems to me to be a pressing need is education on highly specialised and technical lines.

In Bengal, we turn out annually about 20,000 students with College and University education with little other prospect in life than that of falling into the rut of clerkship, a profession which, by the accumulation of years, has long been in spate. The problem, and a very acute one indeed, before us is to find an outlet for this overflow in order to avoid absolute rot. Technical education seems to me to offer the only satisfactory solution.

To my mind it appears that middle school education is a necessity, and that higher academic education has now become a luxury, and therefore those who want it should be made to pay more for what the majority do not need.

I repeat, what we need is a thorough system of vocational training to begin with in our middle schools, and Government should insist on workshops, factories and other business organisations, as a condition

precedent to trading in this country, that they must train our lads so that recruitment is no longer made from abroad but confined to our province. With these few words I support the motion.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I join with those who have preceded me in offering my sincere congratulations to the Hon'ble Minister on the motion that he has brought forward this afternoon.

Sir, Bengal is confronted at the present moment with a very serious problem—the problem of her industries, particularly her cottage industries or those run on a small scale. The whole question hinges on the problem of finance. It is the lamentable lack of adequate capital that stands in the way of our industrial progress and as a result many of our industrial concerns are decaying slowly and steadily. The Indian Industrial Commission, while examining the industrial problems of this country, realised this difficulty and suggested the establishment of an industrial bank to render financial assistance to really deserving indigenous industries. Such an institution is greatly needed, but unfortunately it has not yet been established, and no reason is perhaps too strong to explain why this very imporant recommendation of the Commission was not carried into effect. It is true, Sir, that a large number of banks, styling themselves as "industrial banks" saw the light of day during the post-war boom period, but properly speaking very few of them discharged the true and legitimate functions of an industrial bank. These had to close down soon after they were started. The matter engaged the serious attention of the Central as well as the Provincial Banking Enquiry Committees and they laid great stress on the early establishment of such a bank.

As matters stand at present, in times of financial difficulties our industries can look for help and relief to any of the following sources, namely, (*a*) private individuals, (*b*) banks, and (*c*) the State Aid to Industries Act. There is considerable truth in the saying that indigenous capital is unreasonably shy and as such no sure and substantial help should be expected from this direction. As to banks, the present banking system in India, modelled as it is on the lines of the English banking system, is not suited to cater for the long term financial needs of Indian industries. The ordinary commercial banks, receiving deposits repayable on demand or at short date, cannot possibly undertake to loan out their funds for long periods. The volume of evidence adduced before the Central and Provincial Banking Enquiry Committees was unanimous on the assertion that present facilities for industrial credit in the country were extremely meagre and hopelessly inadequate. The third source, namely, the State Aid to Industries Act, does

not solve the difficulties any better than the other two, for the provisions of the Act are more rigid and its requirements more exacting than what the struggling industrialists can possibly comply with. The working of the Act in recent months has revealed its defects and has shown that unless it is modified in the light of the experience gained, it cannot be of any material help to our indigenous industries nor can it give the assistance which the Act provides for.

It is well known, Sir, that many students, trained under the Unemployment Relief Scheme, have set up themselves in industries. But there are many again who have not found it possible to make a decent start without any financial backing. Unless they are enabled to put into use what they have learnt, their training will have gone in vain. They have no security to offer, against which they can obtain financial accommodation, excepting a strong will to work which has, of course, no value in terms of rupees, annas and pies. There has long been a very great need for such an institution as may render financial help to these young men and give them a start in life which they so eminently deserve. The need is further accentuated by a recent development, namely, the scheme for the industrial training of detenus. To train up these detenus and then forthwith ask them to find out for themselves the capital which they would require would mean leaving them in the lurch. For, to expect them to procure their own capital is to ask for the impossible. The Government appreciated this difficulty, thanks to the far-sighted statesmanship of His Excellency Sir John Anderson and the sympathy and large-heartedness of the Hon'ble Nawab Sir Mohiuddin Faroqui of Ratanpur, and have provided the first batch of trained detenus with reasonable financial facilities. There are quite a large number of detenus now under training and more are likely to be recruited, and it is imperative that some satisfactory arrangement should be made for the provision of credit facilities.

It is happy to note that an attempt—an honest attempt—has at last been made to establish what may fittingly be called the "Industrial Credit Corporation," and if the rules and regulations are properly framed with a broad outlook and a comprehensive understanding of the problems of our industries, I have no doubt that the endeavours of Government will be crowned with success. It is a wise provision that the proposed institution does not contemplate to compete with existing banks in any manner and will give assistance only in those cases in which financial facilities are not obtainable from banks or financial institutions engaged in affording credit facilities for long or medium term periods. The existing banks need not view with any apprehension the establishment of the institution which will not trench upon the field which is theirs. Substantial assistance will be rendered to the institution in the matter

of loans and if the board is satisfied as to the *bona fides* of the claims of any industrial establishment, they will be competent to make any advances they consider reasonable without demanding any security. This is admittedly a very great advantage for all industries which are expected to be successful and are conducted in a business-like manner.

The proposed institution will be the first of its kind in Bengal and will, it is hoped, remove one of the greatest disabilities under which the indigenous industries of Bengal have been labouring so long.

I wish the scheme every success, and I think that it would have been better if a motion of this nature had been brought forward in an earlier session of the Council and not at the fag end of it. I have no doubt, however, that if the scheme is worked on proper lines, it will not be difficult to achieve the desired result.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Sir, I rise to join in the approbation accorded to the resolution of my friend the Nawab Sahib by the various members of the various groups in this Council. I have been delayed somewhat owing to my other engagements and therefore I was not able to come in time, but I am glad that I have been able to come in time enough to congratulate my friend the Nawab Sahib on this resolution, a resolution of a "national" character, as has been said by my friend Mr. Chatterjee. Sir, a resolution of this type has never in my experience been brought in this Council; it is, as a matter of fact, indeed a national resolution. It has nothing to do with one class or another, with one set or another, with the rich or the poor, with the Hindu or the Muhammadan; no one need grumble at it. This measure is for the benefit of the people of Bengal in the true sense and in the true spirit. As a matter of fact, Sir, no industry can be started without any risk; there must be some risk attached to all industries if it is to be made a success. However, this fear has all along deterred us from taking up any industry. Here Government has given a security for the risk, thus providing an opening for industrial enterprise. In England, to keep up the sea-faring spirit and to provide an avenue for employment, Government make a grant of as much as two million pounds every year to help those sea-faring men in what is known as trampships. To encourage people to take up small industries or industries of a bigger type, Government in other countries, even in England, have adopted this principle. Unfortunately, in our country nothing had been done so far in this direction, and this is the first time that my friend the Nawab Sahib has brought forward such a measure here.

I also think it my duty to congratulate the Nawab Sahib on his having got such a lieutenant in the person of Mr. S. C. Mitter of the Industries Department for the success he has obtained in this direction. The unemployment problem is hovering now all over the world, and it has not spared Bengal too. If the spirit be followed in future, I think that this question may be solved to some extent. With these remarks, Sir, I congratulate the Nawab Sahib on the resolution that he has moved.

Mr. P. BANERJI: Sir, we oriental people are always satisfied with small mercies and, therefore, it is natural that we should be vociferous in our praise for the small mercies contained in the resolution that has been moved by the Hon'ble Minister. Sir, I am not one of those that are accustomed to thank people in anticipation. But I am prepared to thank those that have done or achieved something material; but at the same time I am always prepared to give the devil his due, and therefore I do not consider that it would be proper for me to be out of tune and sound a discordant note when member after member has been vociferous in the praise of the Hon'ble Minister. I must see whether it is a move in the right direction, and I am always prepared to voice my praise along with others when I consider that a measure is really a move in the right direction. But I am not prepared to exaggerate things even if I am prepared to praise a man for certain actions. Only a few minutes ago my esteemed friend, the leader of the opposition, said in his speech that no alien Government had ever done such a thing as is proposed here to be done to-day. He is not here, but I could tell him that the French Government had done this very identical thing, and a far better thing than this, and they have done this in South Africa. Sir, a friend of mine asks me when they did this. I may say that they did this about 14 years ago, when they introduced long-term credit facilities in their respective countries. And I have a suspicion that perhaps our Hon'ble Minister has taken his cue from the French Government!

Now, Sir, apart from all these things let us scrutinise the measure before us. The Hon'ble Minister, it appears, has practically asked us to sign the resolution blindfold. He has not said a word about the Company. Of course this measure, as has been pointed out by Mr. Jatindra Nath Basu, has been long overdue. But, Sir, better late than never. However, as the Hon'ble Minister has brought forward this measure, he deserves our congratulations. But I would like to give him some advice gratis, and there are certain directions which we must give him from this side of the House. We want to know whether persons who would be helped by this measure include firms and companies. Of course according to the law they include firms and

companies, but he has not been quite clear on this point. Then again the "long-term" and "medium-term" loans should have also been defined. Again, about the constitution of the Company he has not had a word to say. At least we should have been told about the constitution and the type of the companies to be recognised, for it is necessary for the success of the measure. Simply introducing a measure will not do, as even the supporters of the Government have complained that the State Aid to Industries Act and other measures have not been a success. For instance, my friend Maulvi Abul Quasem has characterised the Industries Act as a failure,, and another member has characterised the Land Mortgage Bank as a dead letter. Now, Sir, in view of these expressions and utterances of the hon'ble members of this House we have to advise the Hon'ble Minister to see that special care be taken to ensure the success of this concern, particularly because the Land Mortgage Bank has been a dead letter, so that it may not share the same fate. Land Mortgage legislation has been a success, a tremendous success elsewhere, for instance, in Egypt and in other countries, but unfortunately it has not succeeded here. Similarly, if this measure becomes a failure there is no chance or possibility of industrial banking for this country. Further, industrial banking is a thing which is unknown in this country. This is the first step that Government is going to take in this direction, and if this is not a success, then, farewell to all prospects of industrial regeneration of this province, and all doors to the development of industrial banking in this country will be closed for all time to come. Therefore, the Hon'ble Minister should have defined all these terms precisely and also the need for Government control and interference. Mr. Narendra Kumar Basu has told us that he does not want Government to interfere in any way with the Company; at the same time, Sir, I consider that in respect of banking concerns and great institutions like these, some amount of control from Government is necessary. We know the history of banking in this country and how it has failed. But this industrial banking, which is a different kind of banking and which is so necessary for the industrial development of the country, stands on a different footing, and I consider that Government should see that it is not left in the hands of individuals. I would, therefore, suggest to the Hon'ble Minister that he must see that there is a stipulation in the articles of association of the banking companies that are going to be formed that the company must consult experts in making investments. Of course we take it that no security except personal security will be accepted as stated in the motion, but I do consider that business assets must naturally also be accepted as securities. Another question that I must ask of the Hon'ble Minister is whether debentures issued by any trust on the security of its business assets are to be accepted by banks. This is a very important thing and this is done in other concerns in America and Europe. If such debentures are accepted and facilities are given

by banks, then and then alone, there is a chance of making this thing a success. But I notice that Government is in an experimenting stage because on their side there is no expert whatsoever in this line, and they do not care for the advice of experts from outside; they always depend on their own men and call them experts. But we have noticed in the House how Bills after Bills have been passed on the recommendations of these people, the experts from the Writers' Buildings and how they have failed! We have noticed their conduct in the Select Committees on the different Bills and have come to know that many of them do not even know the A, B, C of the subjects for which they pose to be experts. That, Sir, is the state of affairs with regard to men who know the inner workings of the Government. Therefore, in respect of this measure, once for all I must warn the Government that they must see that these mistakes are not repeated.

These, Sir, are my broad suggestions to the Hon'ble Minister in anticipation that he will again be returned to the Reformed Council and will be in a position to take up his department again and implement the proposals contained in his present resolution, for otherwise I do consider that there is no point in moving such a measure now on the eve of his retirement; there is absolutely no reason for such a motion unless he is in a position to fulfil it. Perhaps this is also in the mind of the Hon'ble Minister, and let us hope for the best that he will be returned; otherwise, I fail to see why this measure should have been brought forward at the eleventh hour on the eve of the dissolution of the present Council.

Sir, member after member has eulogised not only the Hon'ble Minister for Agriculture but also the other Ministers as well as Members of Government. I beg to differ there, because I know that if any measure of any public utility has ever emanated from any Member of Government I consider that it has emanated from the Hon'ble Agriculture Minister. Therefore he deserves our special congratulations.

At the same time, we must not lose sight of the fact, as has been already pointed out, that behind him there is a force and that force is Mr. S. C. Mitter of the Industries Department. Ever since this gentleman joined the Industries Department he has to a great extent removed the lethargy of that department, and perhaps this impetus to industrial training owes its origin to his great contribution of Rs. 10,000 to form a nucleus to start industrial training under the auspices of the Department of Industries. Otherwise, it would have been almost impossible to make such headway. There are sons of richer men in the Government to-day, but such a man is rare indeed, and it is his sacrifice and energy that have brought this movement into existence.

Therefore, while we congratulate the Hon'ble Minister, we must say that Mr. Mitter also deserves our special congratulations from this side of the House. With these words I support the motion.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I do not wish to say anything more except to gratefully acknowledge the universal approbation accorded to my resolution by the hon'ble members of this House. I would, therefore, only request you now, Sir, to put the motion.

The motion was then put and agreed to.

Adjournment.

The Council was then adjourned till 2 p.m. on Tuesday, the 1st December, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Tuesday, the 1st December, 1936, at 2 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 92 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Re-excavation of certain rivers in the districts of 24-Parganas and Hooghly.

*63. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what steps have been taken or are proposed to be taken for the excavation of—

(*i*) the rivers Peali and Bidyadhari in the district of the 24-Parganas; and

(*ii*) the river Saraswati in the district of Hooghly?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): The member is referred to the answer to be given to an unstarred question on the subject to be put at this meeting by Mr. P. Banerji.

Gopalnagar Kerr High English School.

*64. **Mr. P. BANERJI:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether it is a fact that Mr. H. E. Richardson, I.C.S., Sub-divisional Officer, Tamluk, became President of the Gopalnagar Kerr High English School for the first time in 1933;

(*ii*) whether it is a fact that the election was irregular and declared null and void by the Syndicate on the petitioning of some of the local people;

(*iii*) whether it is also a fact that the Subdivisional Officer ordered the prosecution of the old members of the school in case they came near the school, and that police arrangement was made accordingly;

(*iv*) whether it is a fact that the Syndicate subsequently changed their former decision and sanctioned the new committee to continue with Mr. Richardson as President, to function for one year;

(*v*) whether it is a fact that another committee formed on the 14th July, 1935, has not yet been approved;

(*vi*) whether it is a fact that the Subdivisional Officer, Mr. C. A. Noronha, constituted the committee including persons convicted, and suspected by the police;

(*vii*) whether it is also a fact that on the 14th July, 1935, when this committee was constituted, the Subdivisional Officer adjourned the meeting, but when most of the guardians had left, the meeting was subsequently held in which the election took place;

(*viii*) whether it is also a fact that in the election of teachers' representatives temporary teachers were debarred from voting;

(*ix*) whether it is a fact that a meeting of the Managing Committee is generally held at a distance of 8 miles at Dainan Bungalow to the great inconvenience of the members; and

(*x*) whether it is also a fact that a Maulvi was appointed and that a large number of Muhammadan boys were admitted into the school, but in the middle of the session the Maulvi was discharged, causing inconvenience to the Muhammadan boys?

MINISTER in charge of EDUCATION DEPARTMENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*i*), (*ii*) and (*iv*) Yes.

(*iii*) Government have no information.

(*v*) to (*viii*) No.

(*ix*) Government have no information.

(*x*) There was a Maulvi on the staff, but there is none now. The department will insist on suitable provision being made for Moslem boys if the grant to the school, now under suspension, is renewed.

Mr. P. BANERJI: What was the cause of the suspension of the grant to the school?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I want notice.

Recruitment of ministerial officers and muharrirs in the Registration Department.

***65. Mr. K. C. RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state whether it is a fact—

(*i*) that the appointments of ministerial officers in the registration offices are guided by the Inspector-General of Registration's circular letter No. 776-802, dated the 24th January, 1936;

(*ii*) that according to that circular vacancies in the posts of muharrirs (copyists) and clerks should ordinarily be filled up by selection from among the copyists and extra-copyists;

(*iii*) that according to that circular the primary field of recruitment to the permanent establishment in the Registration Department is the posts of extra muharrirs and special care was directed to be taken for the recruitment of these extra muharrirs;

(*iv*) that the said circular laid down the principle of promotion according to seniority and from the extra muharrirs to muharrirs and from the muharrirs to clerks; and

(*v*) that provision has been made for the appointment of the outsiders only in "exceptional cases"?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) how many appointments and recruitments have been made in Calcutta, Dacca, Alipore, Midnapore, Mymensingh and Jessore according to the above circular since the issue of the same; and

(*ii*) the number of outsiders appointed permanently to the posts of clerks and muharrirs since January, 1936, with the reasons of such appointment and the qualifications of such employees?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*) Yes.

(*ii*) and (*iii*) Yes, subject to their suitability.

(*iv*) No.

(*v*) Yes.

(*b*) Does not arise.

Burdwan-Arambagh Road.

*66. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Has the Hon'ble Minister in charge of the Local Self-Government Department received a report of the public meeting held on the 3rd July, 1936, at the Burdwan Town Hall protesting against the action making the Burdwan-Arambagh Road impassable?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been taken since then to remove the grievances of the people?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) Yes.

(*b*) An extract from Superintending Engineer's report showing the action taken is placed on the Library table.

Flow in Kobadak.

*67. **Maulvi SYED MAJID BAKSH:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware—

(*i*) that there was abnormal flood in the Kobadak this year;

(*ii*) that there has been heavy flooding of the country near about Amritabazar and Ganganandapur on the bank of the said river in the district of Jessore;

(*iii*) that these two regions are the two very malaria-infected parts of Jessore;

(*iv*) that during September and first half of October last year there were 403 cases of malarial fever in the Ganganandapur Dispensary but there are only 270 cases of malarial fever during the same period this year in the same dispensary; and

(*v*) that in the Amritabazar Charitable Dispensary the number of cases of malaria this year is about one-third of the number last year during the same period?

(*b*) Is the Hon'ble Member considering the desirability of taking steps to keep the free flow of flood water in the Kobadak unobstructed next year in the interest of public health?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) (*i*) Yes, the discharge in the Kobadak river during the flood season of 1936 was much greater than for many years past.

(*ii*) Yes, spilling occurred in the areas mentioned.

(*iii*) and (*iv*) Yes.

(*v*) No. The number of cases of malaria in this dispensary is about two-thirds of the number last year.

(*b*) Yes. Instructions will be issued accordingly.

Maulvi SYED MAJID BAKSH: Is the remaining obstruction in the bed of the Kobadak river going to be cleared next year?

The Hon'ble Khwaja Sir NAZIMUDDIN: As far as possible, attempts will be made.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether arrangements are going to be made with the Railway authorities to ensure a larger amount of discharge of water?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not possible to be done next year.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member be pleased to state whether an additional outlet is going to be constructed connecting the Bijoy Cut with the Mathabhanga in a more slanting position than that existing at present?

The Hon'ble Khwaja Sir NAZIMUDDIN: That is not necessary at all.

System of small-pox treatment.

***68. Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state whether the attention of the Government has been drawn to the new system of treatment (both prophylactic and curative) of small-pox introduced by Mr. Nagendra Kumar Majumdar, B.L., of Mymensingh?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the Majumdar system of treatment is responsible for the cure of a number of serious and complicated cases of small-pox; and

(*ii*) that doctors of established reputation have testified to the efficacy of the system?

(*c*) Are the Government considering the desirability of instituting an enquiry into the nature and the effect of the system of treatment according to Mr. Majumdar, and of providing facilities for experiment

in a hospital in any affected area under the direct supervision of the medical officer in charge or in such other manner as to the Government may seem fit and proper?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Government are aware of the existence of certain indigenous methods of treatment of small-pox, but they had no previous information regarding the particular method referred to by the member, though they understand that the services rendered by the gentleman referred to during a recent outbreak of small-pox has been widely appreciated locally.

(*b*) (*i*) It is reported that out of 76 small-pox patients treated by this gentleman only 6 were serious cases and that of these latter 3 ended fatally.

(*ii*) The matter is under enquiry.

(*c*) Government are making enquiries and until these are completed they are not in a position to say whether the matter calls for any scientific investigation or experiment on their part.

Rai Bahadur KESHAB CHANDRA BANERJI: Is the Hon'ble Minister aware that in recent years experts in England have definitely expressed an opinion against vaccination?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Government have no information.

Rai Bahadur KESHAB CHANDRA BANERJI: Is the Hon'ble Minister aware that there is a literature on the subject?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Very likely there is.

Alleged propaganda by Government officials for the next Assembly election.

*69. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state whether he is aware that the appointments of members of the Debt Reconciliatory Board are being made everywhere within the Province on promise of supporting candidates for the next Assembly election according to the choice of local officers?

(*b*) Is it also a fact that some Government officers at Noakhali have actually begun propaganda against some candidates and have set up candidates from among some of the presidents?

(*c*) Is the Hon'ble Member aware that police and *khas mahal* staff of the Ramgati police-station have begun propaganda even now in support of their selected candidate?

(*d*) Is the Hon'ble Member also aware—

(*i*) that the officer in charge of Ramgati and the *khas tahshildar* of *char* Alexandar supported the candidature of Abdur Rashid Howladar and his party during the last local board and union board elections;

(*ii*) that the *khas tahshildar* of *char* Alexandar arrested Nawab Ali Matbar of union No. 1 without any body warrant one hour before the president election (Ramgati); and

(*iii*) that the said Nawab Ali Matbar refused to support the candidature of Abdur Rashid Pandit, the present president of that union?

(*e*) If the answers to (*b*), (*c*) and (*d*) are in the affirmative, will the Hon'ble Member be pleased to state what action is proposed to be taken to stop future activities of such Government officers?

MEMBER in charge of APPOINTMENT DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*), (*c*) and (*d*) No.

(*b*) Government have no information regarding such propaganda.

(*e*) Does not arise.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Resuscitation of certain rivers and khals in the districts of 24-Parganas and Hooghly.

48 and 49. Mr. P. BANERJI and Mr. KARTICK CHURN MULLICK: (*a*) Has the attention of the Hon'ble Member in charge of the Irrigation Department been drawn to the condition of the Bidyadhari River, the Tolly's Nullah, Arapanch Khal, Adiganga and the River Peali in the district of the 24-Parganas and the River Saraswati in the district of Hooghly?

(*b*) Will the Hon'ble Member be pleased to state what steps, if any, have been and are proposed to be taken for the resuscitation of the said rivers and *khals*?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Yes.

(*b*) The steps taken or proposed to be taken in respect of each of these rivers and *khals* are explained below:—

1. The Bidyadhari River.

Rupees ten lakhs were spent by Government on dredging the Bidyadhari River in 1928 without any useful result. In 1932-33 a thorough investigation was made by a special officer, deputed by Government for the purpose, regarding the possibility of reviving the river and after considering the report Government came to the conclusion that it would not be feasible.

2. The Tolly's Nullah.

Some siltation has occurred in the Tolly's Nullah and an estimate for silt-clearance from Chetla to Samukpota is under preparation. After silt-clearance, drainage of the lands on the north of the Nullah will be more effective.

3. The Arapanch Khal.

The old Arapanch Khal was abandoned many years ago and a new channel was constructed in 1923. The land on the old Arapanch Khal is drained *via* the old Arapanch Khal into the new Arapanch Khal and then through the new Arapanch sluice into the Peali River. The drainage during 1936 was done effectively but some silt-clearance in the new *khal* is required which will be done before the next monsoon.

4. The Adiganga.

The Adiganga River is largely silted up due to changes that have occurred in the Delta of the Ganges and its re-excavation is not practicable and would have no chance of permanency.

5. The Peali.

Its resuscitation is possible only with the co-operation of the land owners by throwing the areas, contiguous to the river, open to free spill whereby those areas would also be raised in level and improved.

6. The Saraswati.

A scheme for flushing the tract of the country lying between the River Hooghly and Damodar, which will also improve the River Saraswati, is under the consideration of Government.

Managing Committee of Khararia High English School, Bagerhat, Khulna.

50. Rai Bahadur SUK LAL NAG: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state in connection with the general election of the managing committee of the Khararia High English School in the Bagerhat subdivision of Khulna held on the 11th April, 1936, whether the name of the Subdivisional Officer, Bagerhat, was sent up by the District Magistrate for a membership as representative of Government on the managing committee of the school?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state the reason for omitting his name and nominating another person in his place?

(*c*) Is the Hon'ble Minister aware that the person nominated is an employee of the Calcutta Corporation?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the opinion of the local authorities concerned were consulted in the matter? If not, why not?

(*e*) Will the Hon'ble Minister be pleased to state whether the name of the said Subdivisional Officer was omitted on the ground of Muslim representation?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state why the name of Maulvi Syed Helalul Haque was omitted in preference to one who is an employee of the Calcutta Corporation?

(*g*) Is it not a fact that the name of the said Maulvi was recommended by the Subdivisional Officer and approved and sent up by the Education Department?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*), (*b*), (*d*), (*e*), (*f*) and (*g*) The committee was constituted duly in accordance with the rules of the department. It would not be in the public interest to disclose the nature of the communications between the different officers referred to in the question.

(*c*) Yes.

Food adulteration.

51. Mr. KARTICK CHURN MULLICK: (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that a large number of foodstuffs for daily consumption is adulterated resulting in detriment to the health of the people of the province?

(*b*) Are the Government considering the desirability of undertaking legislation in the matter on the lines of the Food and Drugs Act in the United Kingdom?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) The Bengal Food Adulteration Act (VI of 1919), the Bengal Municipal Act of 1932, and the Calcutta Municipal Act, 1923, already contain provisions for the control and prevention of adulteration of foodstuffs on lines similar to those in the British Act referred to by the member.

Voters' list of the Bengal Legislative Council from the Chittagong district.

52. Maulvi NURAL ABSAR CHOUDHURY: (*a*) Will the Hon'ble Member in charge of the Appointment Department be pleased to state—

(*i*) what is the number of voters enlisted for the ensuing election of the Bengal Legislative Council (Upper Chamber) from the Chittagong district;

(*ii*) why have the names of several persons of the district possessing the qualifications of paying Rs. 250 either as rent or revenue or Rs. 50 as cess, been omitted from the voters' list of the same district; and

(*iii*) whether it is a fact that some voters of the landlord's constituency have not been enlisted as voters for the said chamber?

(*b*) Is the Hon'ble Member aware that the names of A. B. M. Shaistakhan and others who have the requisite qualifications of voters for the landlord's constituency do not appear in the list of voters for the said chamber?

(*c*) If the answer to (*b*) is in the affirmative, are the Government prepared to get the list revised by a responsible officer?

(*d*) Who was the Returning Officer for the Chittagong district?

(*e*) Under whose instructions and after what inquiry did he prepare the list of voters?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) Muhammadan—356, General—201 and European—104.

(*ii*) So far as information is available no one having the requisite qualifications has been omitted.

(*iii*) and (*b*) The names of some persons, including that of the person referred to, were not included in the roll for the Bengal Legislative Council because of the absence of the requisite qualifications.

(*c*) No.

(*d*) The Returning Officer for the Chittagong Muhammadan constituency of the Bengal Legislative Council is the District Magistrate, Chittagong.

(*e*) Under instructions from Government notices were issued inviting claims for inclusion in the rolls.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS.

GOVERNMENT BILL.

The Bengal Non-Agricultural Lands Assessment Bill, 1936.

The Hon'ble Sir BROJENDRA LAL MITTER: I beg to present the report of the Select Committee on the Bengal Non-Agricultural Lands Assessment Bill, 1936.

I beg also to move that the said Bill, as reported on by the Select Committee, be taken into consideration.

Mr. SHANTI SHEKHARESWAR RAY: On a point of order, Sir. I submit that the Hon'ble Member is not entitled to proceed with this motion because a substantially identical motion was before this House in this very session. In this connection, I invite your attention to rule No. 39 where it is stated that a motion must not raise a question substantially identical with one on which the Council has given a decision in the same session. I also respectfully draw your attention to rule No. 52 (*b*) where you will find that in a case where a dilatory motion has been carried, there is a provision that it can come before the House only as a recommended Bill. So, unless the Bill comes as a recommended Bill, the Hon'ble Mover is not entitled to proceed with the Bill during this session.

The Hon'ble Sir BROJENDRA LAL MITTER: There is nothing in this point of order. The two motions are not the same. The first was a motion to take the Bill, as reported on by the Select Committee, into consideration. Then you will remember the Bill was recommitted to the Select Committee, and the Select Committee has made a second report. The reports are entirely different. The present motion relates to the second report.

Mr. PRESIDENT: Let me first of all deal with rule 39. What is the import of that rule? As far as it appears to me, it says that a

motion must not raise a question substantially identical with one on which the Council has given a decision in the same session. In the present case the Council did not give any decision. What did the Council do? The Council simply put off the consideration of the matter and recommitted the Bill to the same Select Committee, to reconsider certain points. So, no final decision was taken or recorded by the Council with regard to the motion itself as a whole and simply reserved its decision for a future occasion as soon as possible. Apart from the difference between the two motions as has been pointed out by the Hon'ble Member, the rule which prohibits the bringing forward of a motion with regard to which a decision was recorded by the Council, does not apply in this case. On the other hand, the Select Committee has reconsidered certain points under the directions of the Council and their new recommendations along with previous ones can quite appropriately come before the Council. It is now for the Council to consider those recommendations and the provisions of the Bill as they stand and such other amendments as may now be brought before it.

Mr. SHANTI SHEKHARESWAR RAY: Is it your ruling that when a motion and an amendment is both before the House, and a vote is taken in favour of the amendment and against the motion, the decision has nothing to do with the motion itself?

Mr. PRESIDENT: I quite understand your point, but you have not met the point that I have raised, namely, that the rule contemplates that a matter which has been decided by the Council should not be re-opened in the same session. You have not been able to prove that the particular motion was decided by the Council either in favour or against it. The Council actually pronounced no verdict on it, and my ruling stands.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, there is a great deal of misconception on the aims and scope of the Bill. It is necessary, I submit, to explain what the Bill is not, and then to say what its aims and scope are. In the first place, there seems to be an inherent idea in all of us that every bit of land in Bengal is permanently settled; but that is not so. There are lands which have been permanently settled; there are lands which have been temporarily settled, and there are lands also which have not been settled at all. We in this Bill do not deal with an inch of land which is permanently settled. The Preamble makes it perfectly clear. It says, "Whereas it is expedient to provide for the proper assessment of land-revenue of lands not used for agricultural purposes in temporarily-settled estates and for the proper assessment of rent of such lands in estates which belong to the Government or are held *khas* by the Revenue authorities".

Thus, this Bill has nothing whatsoever to do with permanently-settled estates. Secondly, this Bill does not apply to agricultural lands. Agricultural lands are governed by the Bengal Tenancy Act. Lands used for non-agricultural purposes are, under the existing law, governed by the Transfer of Property Act. Sometimes, a difficulty arises when an estate which was let out for agricultural purposes, is partly used for non-agricultural purposes. A question arises as to whether to the agricultural part, the Tenancy Act will apply, and to the non-agricultural part the Transfer of Property Act will apply. There are some decisions on the point too, but I will not trouble the Council with that question now. All I want to emphasise is that we are not dealing with agricultural lands at all; we are dealing with non-agricultural lands. This also has been made clear in the Preamble. The Preamble says, "Whereas it is expedient to provide for the proper assessment of land-revenue of lands not used for agricultural purposes in temporarily-settled estates." So, let us get these two ideas out of our minds. This Bill has nothing to do with permanently-settled estates, and it has nothing to do with agricultural lands. The third point on which there seems to be some confusion is, what sort of measure this is. This is not a taxation measure at all. By this Bill, no tax is going to be imposed. Whatever revenue is payable in respect of any land is payable by virtue of Regulation 7 of 1822 and other enactment. This Bill deals merely with the machinery for the purpose of assessing the revenue payable in respect of non-agricultural lands. It is a machinery measure; it is not a taxation measure. From the debate on the last occasion, I got the impression that some members thought as if some additional taxation was being imposed. Nothing of the sort. Regulation 7 of 1822 provides for the re-assessment of lands which have been once assessed; it provides for the assessment of lands which had not been assessed; but the manner in which the assessment is to be done, the principles upon which the assessment is to be made, are not there, and this Bill fills the lacuna. Even the Transfer of Property Act does not lay down any principles by which rent is to be regulated. The Transfer of Property Act leaves it open to be governed by the mutual agreement of parties. Now it may be asked, if the Transfer of Property Act leaves the matter of rent,—or sometimes when Government is the landlord, we call it revenue,—if the Transfer of Property Act leaves the matter of rent to private contract, why are Government anxious to have principles laid down by statute? Sir, the answer is obvious. Government have got lands scattered all over the province. And these lands are settled by the Collectors of the various districts. If no definite principles be laid down for the guidance of these Collectors, the risk is that assessments may be made in different districts on different standards and bases; and, therefore, it is desirable for the sake of uniformity that principles upon which assessment or re-assessment is to be made, should be laid down by statute. It is only

for that purpose that this Bill has been brought. It is not a taxation measure; it is a machinery measure.

Then, Sir, some criticism was made on the last occasion that although Government have provided in the Bill for the assessment of revenue payable to Government, no provision had been made for the purpose of regulating the rents which subordinate holders of lands would be liable to pay. That is to say, the tenant of Government may sublet the land, and this sub-lessee may again sublet. No provision has been made in this Bill for regulating the basis upon which the letting out by the tenant can be done. Sir, the answer is this. This is not a tenancy measure. We are not creating rights nor are we declaring rights as between tenants and their sub-tenants. We are not interfering with their relations at all. We are leaving them alone with their freedom of contract. They may deal with the lands and with their rights in any way they like, and with this Government have no concern at all. Government are concerned with securing the revenue which is payable in respect of the land of which Government are the owner or of which Government are in charge. It is for the purpose of securing that that this Bill has been brought; and it does not in the least little bit interfere with the rights of the tenants or with the terms on which tenants may bargain with their sub-tenants. This Bill leaves them their freedom of contract absolutely unaffected. Roughly speaking, we are dealing with lands of which Government are the owners and of certain other estates which the Government manage. The principle which we have kept in view is a principle which is well known in law; that is, the manner in which a prudent owner will deal with his own property. We are dealing with Government lands which really belong to the people of the province. Government is managing the lands. On what principle Government should assess these lands for the purpose of revenue? Government ought to assess on the same principle which a prudent owner would adopt in respect of his own land. What the prudent owner will do is to charge a moderate rent so that it may not be oppressive on the tenant and at the same time should not——

Rai Bahadur KESHAB CHANDRA BANERJI: Government is not going to do that—that is, not going to charge at a moderate rate?

The Hon'ble Sir BROJENDRA LAL MITTER: Was this interruption necessary? Government are seeking to act as a prudent owner would do. That is the standard we have got before us. We always keep it before us. Sir, I would expect and I would appeal to the House to deal with the measure on that principle and on that standard, that

is the standard of the prudent owner. I would resist here all attempts to snatch a bargain which a prudent owner would not allow. At the same time, I would be prepared to give generous concessions where concessions are called for. Sir, in this Bill Government have provided for concessions in the case of *bona fide* householders in such cases where lands were given for building purposes,—in cases where buildings were erected in terms of the agreement and where either the original lessee or his descendants have been occupying those houses,—in such cases a sudden large increase would be oppressive, because these people built the houses to live in and are not making any profit or gain out of them. In such cases, a sudden rise would be oppressive. Therefore, in those cases, some concession is called for, and a generous measure of concession has been provided in the Bill. Assuming that the normal assessment is X, these *bona fide* householders will set an allowance for special incidence of their tenancy. I can illustrate what is special incidence. I shall refer to it at a proper time when an actual lease and the relevant clauses come under discussion. Land was given and the tenant was bound to erect a building of a particular value on that land—that will be special incidence. Government contemplate that some allowance should be made for that. If a tenant has made improvements at his own cost, the Bill provides that the tenant will get allowance for them. Now, after getting all these allowances out of what remains, Government are prepared to give a rebate to *bona fide* householders, that is to say the original lessees or their descendants of no less than two-thirds of the assessment; and Government will not charge more than one-third. But those who took land for building purposes and are trading in the houses they have built either by letting them out or by starting shops deserve no concession and no concession will be given to them. Now, Sir, that is the precise concession I did not mention on the last occasion because, as I said, the election fever was so much rampant and members were so excited that they were not in a mood to listen to me. I said that I was going to announce what concessions would be made but the members were not in a mood to listen. One member felt so outraged at the mention of election that he said that it was preposterous.

Now, Sir, a large number of amendments have been tabled and I have also tabled certain amendments. With regard to one amendment I want to say a word. One of the amendments which I have tabled is for the purpose of excluding a particular area from the operation of this Bill and I say at the earliest opportunity that I shall not move that amendment. At the time I tabled it I had not made up my mind; since then I have considered the matter and I shall not move it. I mention this lest any member be misled.

Sir, I move my motion.

The motion being put, a division was taken with the following result:

AYES.

Dal, Rai Sahib Lalit Kumar.
Dass, Mr. A.
Dandy, Mr. E. N.
Dass, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chokhany, Rai Bahadur Ram Dev.
Cohen, Mr. D. J.
Das, Babu Saru Prosad.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. S. S.
Edgley, Mr. R. G. A.
Elcock, Mr. James.
Ezerjl, Maulvi Sir Rahman Khan.
Farequi, the Hon'ble Nawab Sir Mohiuddin, Kt., of Ratanpur.
Ghose, Rai Bahadur Sasanka Comar.
Gilchrist, Mr. R. N.
Gladding, Mr. B.
Graham, Mr. H.
Griffiths, Mr. Charles.
Hoque, the Hon'ble Khan Bahadur M. Azizul.
Hamon, Mr. F. T.
Hooper, Mr. S. S.
Jenkins, Sr. W. A.
Khan Bahadur Maulvi Muazzam Ali.
Khan, Maulvi Abi Abdulla.
Kinderaley, Mr. J. B.
Lesson, Mr. G. W.
Mittor, Mr. S. C.
Mittor, the Hon'ble Sir Brojendra Lal.
Mukhopadyaya, Rai Sahib Sarat Chandra.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Khwaja Sir.
Porter, Mr. A. E.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijay Prasad Singh.
Roy Chaudhuri, Rai Bahadur Hem Chandra.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Gris Chandra.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Stadd, Mr. Eric.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. S.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

NOES.

Ali, Maulvi Hassan.
Bal, Rai Bahadur Sarat Chandra.
Banerji, Rai Bahadur Keshab Chandra.
Banerji, Mr. P.
Barma, Babu Promhari.
Chandhuri, Babu Kishori Mohan.
Choudhary, Maulvi Rural Absar.
Das, Rai Bahadur Satyendra Kumar.
Fazlullah, Maulvi Muhammad.
Ghose, Sr. Amulya Ratan.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Hossain, Maulvi Muhammad.
Mittra, Babu Surat Chandra.
Poddar, Mr. Ananda Mohan.
Rahman, Maulvi Azizur.
Ray, Mr. Shanti Shekhareswar.
Raut, Babu Hosani.
Ray, Mr. Saileswar Singh.
Ray, Mr. Surat Kumar.
Saheua, Rai Bahadur Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.

The Ayes being 46 and the Noes 23 the motion was carried.

Clause 1.

The motion that clause 1 stand part of the Bill was put and agreed to.

Clause 2.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that in sub-clause (*3*) of clause 2 for the word "includes" and for clauses (*a*), (*b*) and (*c*) the following be substituted, namely:—

"means lands held in *khas* by the Government from the time of the Permanent Settlement."

Sir, The effect of this clause is that those estates which have been permanently settled will be affected by this Bill. In moving for the consideration of the Bill, the Hon'ble Member has stated that this Bill will not affect permanently settled estates. Perhaps, he meant that the Bill will not affect those permanently settled estates which are held by other proprietors than Government, but he will remember that there are several permanently settled estates which have been purchased by Government at land revenue sales. Besides, there are the estates of other persons not permanently settled which are managed by Government on behalf of the proprietors and they are enjoying the *malikana*. I submit there are considerations which apply to these permanently settled estates and temporarily settled proprietory estates, which do not apply in the case of Government *khas* lands which have never been held permanently. In the case of permanently settled estates there were private owners who made settlement of lands with tenants and certain rights and obligations arose by virtue of this settlement. These rights might have been extinguished by the purchase by Government or might not have been extinguished. In any case I should suggest that in the case of private lands if they have got into the hands of Government in one of these two ways they ought not to be affected by this clause. Take for instance the lands of some of the Government estates in Dacca which were originally permanently settled, on which tenants have built *pucca* dwelling houses and have been living in them for over a century, some of these estates have been purchased by Government in land revenue sales, so the tenants will come under this law because the Government have purchased the rights in land revenue sales. The question as to whether by such sale any contract between those men and Government became void and those people have forfeited their right to hold the tenancy at the rate at which the land was originally settled with them. I think that should be left over to be decided by the Civil Court. The effect of this legislation would be that the Civil Court would have no power to decide whether the tenants who have permanent dwelling houses on that land have forfeited their right by reason of the land revenue sale and whether the contract is binding upon them. This question ought to be left open for the decision of the court because in this case Government is nothing but a successor to private proprietors. In the case of permanently settled estates I submit this Bill should not be made applicable not only to those estates held by private proprietors but those which have been held by private proprietors but are now in the hands of Government.

The Hon'ble Sir BROJENDRA LAL MITTER: I oppose the amendment. This amendment will make the Bill nugatory. Take a piece of newly formed land which Government want to give a lease of for non-agricultural purposes, say, for constructing jute godowns on the

newly formed land. The permanent settlement was in 1793; since then much land has been formed in Bengal and much is in course of formation and if we exclude all these lands we might drop the Bill altogether.

The motion that in sub-clause (*3*) of clause 2 for the word "includes" and for clauses (*a*), (*b*) and (*c*) the following be substituted, namely:—

"means lands held in *khas* by the Government from the time of the Permanent Settlement" was put and lost.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that for the first nine lines of sub-clause (*5*) of clause 2, the following be substituted, namely:—

"non-agricultural land" means land which, being in direct possession of the Government, is not used for purposes connected with agriculture or horticulture, and land held by lessees to whom the land was either originally leased for purposes not connected with agriculture or horticulture and is not at the date, when an order under section 3 is made, actually used for purposes connected with agriculture or horticulture but does not include—"

The definition in the Bill is somewhat unintelligible. It says non-agricultural land means land which at the time when an order is made under section 3 in respect of the land is used for purposes not connected with agriculture or horticulture irrespective of whether such land or any part thereof was originally leased for agricultural or horticultural purposes or not, but does not include..... That is to say, if a land was leased for agricultural purposes at the beginning, say 50 years ago, and in course of time some part of it happens to be used for non-agricultural purposes that would also be non-agricultural land. A land which was leased out for agricultural purposes is governed by the Bengal Tenancy Act and in respect of that the landlord is under strict limitation in regard to enhancement of rent. If such land has been used for non-agricultural purposes or for purposes which need not necessarily be connected with agriculture according to the definition in the Bill that land comes under the purview of this Bill. For instance, a tenant may have been given a lease of 500 *bighas* for agricultural purposes and in course of time he acquires an occupancy right, if out of these 500 *bighas* he converts a portion supposing he cultivated sugarcane and converted that portion into a factory for crushing it for making *gur* that is a non-agricultural purpose because it cannot be said to be connected with agriculture or horticulture; or suppose he has built a dwelling house upon 20 or 50 or 100 *bighas* of land that is non-agricultural purpose under this definition. If the land has been used in a manner which

makes it unsuitable for the purpose for which it was leased out Government have the right of ejecting the tenant although he has acquired an occupancy right. The mere fact that the use to which it has been put is non-agricultural; for instance if it has been used for the purpose of levying a toll at a ferry that at once brings it within the provisions of this Bill although it was leased for agricultural purposes. Under the Bengal Tenancy Act the question whether a person is an occupancy *raiyat* is determined by the original terms of the lease. That being so you are practically trenching upon the provisions of the Bengal Tenancy Act. Under the Bengal Tenancy Act an occupancy *raiyat* who holds a *bigha* of land for agricultural purposes is an occupancy *raiyat* although a part of it may have been used for non-agricultural purposes but not purposes which are of such a character as to make the land unfit for use for agricultural purposes, that is the only test by which a non-agricultural tenant can be ejected—for making the land unfit for agricultural purpose. A tenant becomes an occupancy *raiyat* after having taken a large quantity of land for agricultural purposes and subsequently some portion of the land is held for non-agricultural purposes, the effect of this definition is that a tenant at once becomes subject to the provisions of this Act and loses the benefit which is given to him by the Bengal Tenancy Act. The Hon'ble Member in his speech this afternoon referred to this aspect of the question when he said that it did not touch agricultural land. It does touch agricultural land because it is well-known that in many cases land let out for agricultural purposes has to a large extent been used for non-agricultural purposes as could be done without the risk of ejectment, so long as it was not made unfit for use for the purpose of agriculture. This clause which lays down as the test, the date and the time of the order under section 3 and not the original date of the creation of the tenancy, is most mischievous. I will deal with the other clauses of the Bill in proper time.

I submit that so far as non-agricultural land is concerned, that is to say, land which was not let out for agricultural purposes under certain terms under which tenants have got certain rights, Government may have the freedom to assess the rent. The Hon'ble Member has referred to the fact that under present law there is no provision which lays down the principle on which land should be assessed. The only provision is in the Transfer of Property Act in which a contract is the dominating factor. Where the Transfer of Property Act applies there is a great deal to say for laying down new principles of assessment but where the Bengal Tenancy Act applies the question is different because the land was orginally let out for agricultural purposes and it has been used in a manner which does not make it unfit for agricultural purposes.

I would appeal to the Hon'ble Member to consider this matter not in the spirit in which our amendments are judged. In his reply to my previous amendment he went so far as to characterize my amendment

as senseless because he had not the sense to see the sense of it. I hope he will judge this amendment not in that spirit but in the way that a Government Revenue Member in dealing with this measure of taxation ought to do.

Mr. J. B. KINDERSLEY: I rise to oppose this amendment. To start with the drafting does not correspond with Dr. Sen Gupta's argument. It reads "non-agricultural land which being in direct possession of Government is not used for the purpose connected with agriculture at the time of the passing of the order." The first effect of this amendment would be to exclude from the operation of the Bill any land excepting that which Government have not not yet leased. The second point I would like to make in opposition to this amendment is that he seems to prefer that a tenant should be ejected rather than that he should be subjected to a reasonable assessment in respect of a small portion of a large holding which he has used for some purpose which is not directly agricultural. Under section 25 of the Bengal Tenancy Act if a tenant uses one *bigha* out of 500 *bighas* in a manner which renders that land unfit for the purpose for which it was leased out the tenant is liable to ejectment from his entire holding and not merely from one *bigha*. I have quoted the Tenancy Act *verbatim*. I wish to point out that if we accept Dr. Sen Gupta's amendment the tenant is liable to ejectment from his entire holding instead of being subjected to a reasonable assessment in respect of one *cottah*, or one *bigha* or two *bighas* which is used for a purpose which under the definition is non-agricultural. He has argued that the mere fact that the tenant has built a dwelling house on a portion of his land has not rendered the land unfit for agricultural purposes. Under the improvement section of the Tenancy Act a tenant is allowed to erect a dwelling house suitable for himself on the land. But supposing he converts 500 out of 1,000 *bighas* into what one might describe as a building estate, I think it must be admitted that that land would no longer be fit for the purpose of agriculture for which the land was originally leased. I therefore oppose the amendment.

The motion was put and lost.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that for the first nine lines of sub-clause (*5*) of clause 2, the following be substituted, namely: —

> "non-agricultural land" means land held by a tenant to whom it was originally leased for purposes not connected with agriculture or horticulture and is not at the date, when an order under section 3 or 3A is made, actually used for purposes connected with agriculture or horticulture, but does not include—"

Sir, although my amendment is slightly different from the one moved by Dr. Naresh Chandra Sen Gupta the arguments that may be adduced in favour of this amendment are practically identical with those put forward by Dr. Sen Gupta. So I do not wish to reiterate what has already been stated. I would request the House to consider the implications of this amendment and give their verdict accordingly.

Dr. NARESH CHANRA SEN GUPTA: Sir, this amendment wants that two things must go together; it includes land originally leased for non-agricultural purposes but now used for agricultural purposes; it includes also land which although leased for agricultural purposes it is now being used for non-agricultural purposes. In either of these cases the amendment of Rai Bahadur Keshab Chandra Banerji should apply. I think I may mention here that Mr. Kindersley was not right in his reading of section 25 of the Bengal Tenancy Act. He quoted the words but did not catch the sense of it. Section 25 of the Bengal Tenancy Act says that an occupancy *raiyat* is liable to be ejected if he uses the land in a manner which may make the land unfit for purpose for which it was let out. But a non-agricultural purpose may be such as not to make the land unsuitable for agricultural purpose. If the land is used for building purposes, of course it would be held to have been used for non-agricultural purposes. There are several cases in which it has been so held by the Court and notably there is one case of the Privy Council in which it was held that the erection of an indigo factory on a portion of the holding would not make the land liable to be considered as being used for non-agricultural purposes.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, this amendment would exclude from the operation of the measure lands which the primary intention of the measure is to include. For instance, the land is originally let out for agricultural purposes and on part of that land houses and shops have been built. Then at the time of resettlement we want to assess those portions which have been used for non-agricultural purposes under this Bill and those used for agricultural purposes under the Bengal Tenancy Act. But if this amendment be carried, then the land which was originally leased for agricultural purposes will always be excluded. I cannot accept this amendment and I oppose it.

The motion of Rai Bahadur Keshab Chandra Banerji being put, a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Bakah, Maulvi Syed Majid.
Bal, Rai Bahadur Surat Chandra.
Banerji, Raj Bahadur Keshab Chandra.
Banerji, Mr. P.
Barma, Babu Promhari.
Chaudhury, Babu Kishori Mohan.
Chowdhury, Maulvi Abdul Ghani.
Choudhury, Maulvi Nurul Absar.
Das, Rai Bahadur Satyendra Kumar.
Ezaufji, Maulvi Nur Rahman Khan.
Fazlullah, Maulvi Mohammad.

Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Haque, Kazi Emdadul.
Karim, Maulvi Abdul.
Mitra, Babu Saral Chandra.
Mollah, Maulvi Moslem Ali.
Mullick, Mr. Kartick Chara.
Nag, Rai Bahadur Suk Lal.
Poddar, Mr. Ananda Mohan.
Quasem, Maulvi Abul.
Rahman, Khan Bahadur A. F. M. Abdur-.
Rahman, Maulvi Azizur.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nocomi.
Roy, Mr. Sarat Kumar.
Sadeque, Maulvi Mohamed.
Sahana, Rai Bahadur Satya Kinkar.
Samad, Maulvi Abdus.
Sen Gupta, Dr. Naresh Chandra.
Shah, Maulvi Abdul Hamid.
Singha, Babu Kshetra Nath.
Talukdar, Maulvi Rajib Uddin.

NOES.

Bal, Rai Sahib Lalit Kumar.
Basu, Mr. S.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhury, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhury, Dr. Jogendra Chandra.
Chokhany, Rai Bahadur Ram Dev.
Cohen, Mr. D. J.
Das, Babu Goruprosad.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. G. S.
Ridgley, Mr. N. S. A.
Silcock, Mr. James.
Farequi, the Hon'ble Nawab Sir Muhiuddin, Kt., of Ratanpur.
Gilchrist, Mr. R. N.
Gladding Mr. D.
Graham, Mr. H.
Griffiths, Mr. Charles.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Heman, Mr. F. T.
Hooper, Mr. S. G.
Hussain, Maulvi Latafat.
Jenkins, Mr. W. A.
Khan, Maulvi Abi Abdulla.
Kleudorsley, Mr. J. S.
Lemon, Mr. S. W.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mukhopadhaya, Rai Sahib Saral Chandra.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Khwaja Sir.
Porter, Mr. A. S.
Ray Chaudhury, Mr. K. C.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Gris Chandra.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Stodd, Mr. Eric.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. S.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 35 and the Noes 45, the motion was lost.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that in clause 2 (5) (*a*) in lines 3 to 5 the words "and which is occupied by a person whose primary means of livelihood is agriculture" be omitted.

Sir, this clause proposes to exempt from assessment persons who have homestead lands to which the provisions of section 182 of the Bengal Tenancy Act, 1885, apply, and which are occupied by those whose primary means of livelihood is agriculture. The words "and which is occupied by a person whose primary means of livelihood is agriculture" have practically no meaning, because the assessing authority is given sole discretion in the matter. I can say from my personal experience that in 99 cases out of a hundred difficulties will arise as the Revenue Officer will assess rents on such lands according to his own sweet will and pleasure. Supposing there is a plot of land belonging to three persons: one of the brothers is a *bona fide* agriculturist, the second is a doctor and the third, a lawyer, who hold the land jointly. This is their subsidiary profession. The second and the youngest brother

carry on their profession in order to supplement their income because the income derived from the land is not quite sufficient to keep their body and soul together. What will the overjealous Revenue Officer do in such a case? His tenancy may be—I do not say will—declare the land non-agricultural. This may not be the general rule, but it cannot be denied that in some cases it may be so. So, instead of leaving the matter to the discretion of the assessing authority, there should in my opinion be something definite in the Act itself and it is with this object that I move this amendment.

Dr. NARESH CHANDRA SEN GUPTA: This is another amendment made by the Select Committee which absolutely belies the statement which the Hon'ble Member made at the beginning. If he means anything he meant that agricultural land will not be affected. Of course, if by agricultural land he means land which is actually under cultivation then this section does not in any way go against his assertion. But if agricultural land includes land to which the provisions of section 182 of the Bengal Tenancy Act apply, then this certainly is contrary to what the Hon'ble Member has said. Sir, I can understand the attitude of Government. They may think that the benefits of the Bengal Tenancy Act were meant for persons who were actual cultivators; the benefits should not be given to persons who are not cultivators; and since occupancy rights in land are held by thousands of persons who are not primarily cultivators, therefore they should not be given the benefit of section 182 of the Bengal Tenancy Act, not only of section 182 of the Act, but of no section of this Act! Well, Sir, I can understand that attitude. You may say that the Bengal Tenancy Act exists for the benefit of cultivators and cultivators alone. If that is so, I could have understood a courageous move on the part of Government to do away with provisions of the Bengal Tenancy Act so far as the benefit taken by persons who are not cultivators is concerned. But the Government has not had the boldness to come forward with such a policy. They have encroached upon the privileges and rights conferred by the Bengal Tenancy Act upon occupancy *raiyats*, firstly, by the definition of non-agricultural land (with which we have already dealt), and secondly, by this clause. When the original Bill was introduced by Government they were quite sensible in thinking that this Bill should apply only where the Bengal Tenancy did not apply. Under section 182 of the Bengal Tenancy Act, where certain non-agricultural land, i.e., a homestead, is held by an occupancy *raiyat* the provisions of the Bengal Tenancy apply to that homestead. Government intended to exclude that from the operations of this Act. But in the Select Committee, —probably at the instance of Government—we cannot go into the proceedings of the Select Committee which are "Secret" probably at the instance of the Government, this amendment was introduced, and now we have a Bill in which the occupancy rights of *raiyats* in respect of their homestead given them by the Bengal Tenancy Act are taken

away by what I must call a surreptitious procedure. If a homestead is held by an occupancy *raiyat* under section 182, it will nevertheless come under the provisions of the new Act so that that occupancy *raiyat* will not have the benefit of the provisions of the Bengal Tenancy Act unless he can show that his primary means of livelihood is agriculture. That is whittling down the provisions of the Bengal Tenancy Act. That is not to be found in the Bengal Tenancy Act. Section 182 does not apply only to cases of tenants whose primary means of livelihood is agriculture. In this way you are affecting not merely the properties which ostensibly you seek to affect, properties like the Dacca properties and other *khas mahal* properties, which are used for homestead purposes for jute godowns and other things, but also the homestead occupancy *raiyats* held under *khas mahal*, if they cannot show that agriculture is the primary means of their livelihood, suppose a *khas mahal* tenant has got land from which he gets an income of Rs. 500 a year, and earns by trade Rs. 1,000 a year; he is not a person whose primary means of livelihood is agriculture; therefore the homestead which he has got perhaps upon the same holding will now be separated from this holding and will be assessed under the provisions of this Act, upon the market value of land at whatever rate the Settlement Officer will be pleased to assess it. I do not understand this surreptitious procedure. If you want to attack non-agriculturists' occupancy rights, come forward boldly and say "you people have no right to the benefits of occupancy rights." But you cannot do this in this manner. If you do it it should be done after sufficient notice given to these people, everyone of whom ought to be told that his interest in his homestead is jeopardised by this Act, not only the people of Dacca alone and the owners of jute godowns and of *khas mahal* land alone, but every agriculturist whose primary means of livelihood is not agriculture, but whose rights are the same—every such person's interest is jeopardised. As Rai Keshab Chandra Banerji Bahadur has pointed out this rule will be very difficult of application. A holding is not held by a single tenant; there may be half a dozen tenants: now the words "and which is occupied by a person whose primary means of livelihood is agriculture" mean that all the tenants must be persons whose primary means of livelihood is agriculture. Suppose that out of half a dozen persons owning a holding one person does not earn his livelihood by agriculture. At once this Act will come into operation and the mischief of the whole thing lies in this: that the civil courts have got very very limited authority in respect of the assessment that may be made under this Act. The way in which the Act will be brought into operation and the mischief done will be beyond the repair of the civil courts. For all these reasons, Sir, I support the amendment.

Babu KISHORI MOHAN CHAUDHURI: I also rise to support the motion. A large number of persons will be affected by this clause,

say, fishermen, middlemen, potters, smiths and others. There may be many persons who could not say that they live upon agriculture. But at the same time they enjoy a few *bighas* of land along with their homestead. If these persons are made to suffer simply because they enjoy a small plot of two or three *bighas* of land along with their homestead, and they are now deprived of the benefits of that and their homestead land is separated, and excessive assessment is made they will be great losers, and it will be a great hardship upon them—not only upon them, Sir; there are many Brahmin *pundits* and many persons who may not say that they live upon agriculture but at the same time they may have some land: and simply because they have some land, for you to say to them that they are not living upon agriculture—is that the reason why they should be deprived of the benefits of their holdings and the holdings should be divided and separated? It would be very hard indeed upon them and I request the Government to consider the situation. I made this point in the Select Committee also.

(Rai Bahadur Hem Chandra Roy Choudhury rose to address the House.)

The Hon'ble Sir BROJENDRA LAL MITTER: It may perhaps shorten the debate on this amendment if I am allowed to speak at this stage.

Mr. PRESIDENT: Mr. Roy Choudhuri, have you got any new points to make.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: I shall be content to speak, Sir, after hearing the Hon'ble Member.

The Hon'ble Sir BROJENDRA LAL MITTER: I find that there is a good deal of feeling about this matter, that some innocent people may be hit by the addition of these words. Honourable members will find that these words were not in the original Bill; but they were inserted in the Select Committee at the instance of non-official members and not at the instance of Government. If the feeling be strong that innocent people will be hit by this provision I am quite willing to drop it.

The motion was put and agreed to.

Babu PREMHARI BARMA: Sir, I beg to move that in clause 2(*5*) (*b*), in line 1, after the word "site" the words "with necessary adjuncts" be inserted.

Sir, this clause is intended to exclude temples, churches, mosque or other places of public worship from the operation of this Bill. But a mosque, temple or church may have and in many cases actually

has lands other than that on which it stands. These other lands if used for purposes other than agriculture will come under the purview of this Bill and their rents will be enhanceable in accordance with the provisions of this Bill. In many cases the main source of income of the temple, church or mosque is the income derived from these lands. If the rents of these lands are enhanced under this Bill, then the object of this clause to save places of public worship or charitable institutions from the operation of this Bill will be frustrated. So, with a view to making clear the object of this clause, I move this amendment and I hope the Hon'ble Member in charge of the Bill and the House will accept it. With these few words, I commend my motion for the acceptance of the House.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, clause 2(*5*) (*b*) proposes to exempt the site of any mosque, temple, church or other places of worship from the operation of this Bill. This sub-clause was inserted by the Select Committee and the purpose for which it was inserted would be frustrated if there was no definite direction given in regard to the assessment of any huts or structures standing adjacent to such sites. It may be said by the assessing authority at the time of assessment that the site of the temple, mosque, church or any other place of worship, as the case may be, will be exempted from assessment. He may take into consideration the fact that the particular place where the mosque, temple, church or any other structure actually stands will only be exempted from the operation of this Bill. But what about the surrounding or adjoining lands? The object of the mover in introducing the word "adjuncts" is to exclude all kinds of structures forming an essential part of the mosque, temple or church, etc. It may so happen that the priest of a temple may erect a hut very close to the temple or a Moulana Saheb may require a similar structure to be erected in connection with the mosque for his own use or for the use of servants or care-takers. If there is no definite provision in the Act to this effect what is the guarantee that the Revenue Officer will not assess such lands? The object of the amendment is to guard against the possibilities of arbitrary decisions. I, therefore, commend the amendment for acceptance by the House.

Mr. J. B. KINDERSLEY: Sir, we are not prepared to accept the amendment in exactly the form in which it has been proposed, but there is no objection on the part of the Government to the principle of the amendment. I would suggest the following re-draft:—

> "Subject to rules under this Act the site of any mosque, temple, church or any other place of public worship or of any charitable institution with its adjacent land appertaining thereto."

Sir, it is not the intention of Government to assess separately such servant's sheds or godowns that belong really to working of the temple. If the draft I have suggested is accepted, we are prepared to accept the amendment.

Babu PREMHARI BARMA: I beg leave to withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Babu PREMHARI BARMA: Sir, with your permission I beg to move the following amendment:—

That for clause 2 (5) (*b*) the following be substituted, namely:—

"(*b*) Subject to rules made under this Act, the site of any mosque, temple, church or any other place of public worship or of any charitable institution, with the adjacent land appertaining thereto."

The motion was put and agreed to.

MUNINDRA DEB RAI MAHASAI: Sir, I beg to move that after clause 2 (5) (*f*), the following sub-clause be added, namely:—

"(*ff*) land which is used for purposes connected with the cultivation of jute."

Sir BROJENDRA LAL MITTER: Sir, I really do not understand the object of this amendment at all. Cultivation of jute is an agricultural operation. Therefore lands under jute will not come under this Bill. I oppose the amendment.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, this amendment also stands in my name and I think I should explain in a few words the reasons for giving notice of the amendment. In sub-clause (*f*) of clause 2(5) lands in the districts of Darjeeling, Jalpaiguri and Chittagong, which are used for the purpose of manufacturing tea, are proposed to be exempted from the operation of this Bill. I would not have moved this amendment regarding the exemption of lands used for the purpose of cultivating jute, but as the tea industry is proposed to be protected against unreasonable assessment, there is no reason why the jute industry, which is also a very useful industry in Bengal, should also be similarly protected.

Dr. NARESH CHANDRA SEN GUPTA: Sir, there seems to be some misapprehension in the minds of the mover of this motion. If

lands connected with agriculture or horticulture are excluded, lands used for the purpose of the cultivation of jute fall under the category of agriculture and there seems to be no necessity for this amendment.

Mr. J. B. KINDERSLEY: Sir, I do not see any point in this amendment at all. As the mover has said, cultivation of jute is an agricultural operation. So lands used for the purpose of the cultivation of jute are automatically excluded from the operation of this Bill.

The motion was then, by leave of the Council, withdrawn.

The question that clause 2, as amended, stand part of the Bill was put and agreed to.

Clause 3.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg to move that for clause 3, the following be substituted, namely:—

"3(*1*) When an order has been made under section 101 of the Bengal Tenancy Act, 1885, in respect of any local area, estate or tenure or any part thereof, of which a settlement of land revenue is being or is about to be made, the Local Government may make an order directing the Revenue officer to prepare a record-of-rights in respect of all or any non-agrioultural lands and to record such particulars as are specified in that order.

(*2*) The particulars to be recorded may include, either without or in addition to others, any of those particulars specified in section 102 of the Bengal Tenancy Act, 1885."

Sir, may I have your permission to move the other amendments together, viz., Nos. 29 to 31, 32 to 34 and 35 to 37, which are practically identical with the one that I have already moved and make one speech thereon, the subject-matter being the same?

Mr. J. B. KINDERSLEY: Sir, I do not think that Nos. 35 to 37 is exactly identical, as it deals with the principle of the Bill. There would be no objection, however, to the other ones being moved together.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I do not think that these amendments can be moved together, as they relate to different clauses.

Mr. PRESIDENT: I shall put them under the respective clauses.

Mr. J. B. KINDERSLEY: Sir, if you desire to save time, the amendments can be moved together except the last one. I may point

out to the mover that under section 3 once an order is passed to prepare a record-of-rights under section 101, then the provision that the mover is seeking to introduce by his amendment No. 18 automatically takes place; the record is prepared on those lines. If you will look to section 102 of the Bengal Tenancy Act, so far as it relates to the preparation of records relating to lands, whether non-agricultural or not, the record will be prepared on that basis.

Rai Bahadur KESHAB CHANDRA BANERJI: These amendments follow closely the lines of procedure. I have already moved the first amendment. It is not my intention to detain the House. My point is that this amendment has been based on sections 101 and 102 of the Bengal Tenancy Act, whereas the original draft and the Bill do not follow closely the procedure laid down in the Bengal Tenancy Act, and it is in order to be consistent with the procedure prescribed in section 102 of the Bengal Tenancy Act, that I have proposed this amendment.

Mr. J. B. KINDERSLEY: Sir, if the mover will look to section 3, he will find that it is stated "the Local Government may make an order directing the Revenue Officer, after recording under section 102 of the said Act or under section 3A of this Act those particulars which are relevant.....". I oppose the amendment as being a totally unnecesary provision for the preparation of the record-of-rights.

Mr. SARAT KUMAR ROY: The amendment, Sir, is to bring the law in line with the Bengal Tenancy Act. The provision in the Bill is not quite in that line. So I think the amendment proposed by the Rai Bahadur will be more suitable for the purpose.

Sir, I am sorry to find that this Bill seeks only to empower the Government to realise rents at the maximum rate from their tenants of non-agricultural lands and in order that rents at the maximum rate may be realised, the Bill also provides means for eliminating persons who held interests in such lands intermediate between the Government and the actual occupiers of the land. Inasmuch as the latter pay the maximum rents, the Government wants to come into direct touch with them and realise such maximum rents from them. This policy is rather selfish and therefore inequitable and I cannot agree with it.

Sir, I think the legislature should consider the interest of all parties concerned and it should see that all those persons who had hitherto held some interest in non-agricultural lands may continue to enjoy their due share of the benefit of the new assessment.

Mr. PRESIDENT: I am afraid you are dealing with the Bill as a whole.

Mr. SARAT KUMAR ROY: I am dealing with clause 3.

Mr. PRESIDENT: After we dispose of the amendments we will put clause 3.

Mr. SARAT KUMAR ROY: I am advancing my argument that there should be a change in clause 3 of the Bill along the lines of the Bengal Tenancy Act. Where there are different grades of tenants intervening between the Government and the actual occupier of the land the Bill should prepare a record of their interest and the law should direct—

Mr. PRESIDENT: I am afraid you are again speaking on the Bill as a whole.

Mr. SARAT KUMAR ROY: Unless I say all these and explain the situation I cannot properly support this amendment.

Mr. PRESIDENT: I shall be obliged if you will speak on the amendment now before the House.

Mr. SARAT KUMAR ROY: Sir, I am coming to the amendment. The law should direct that they all shall pay to their respective landlords, the rents which are deemed to be fair and equitable by the Revenue Officer. But a mere estimate of such rents will not make them, I mean the fair rents, binding upon those for whose tenancies they are estimated and I think the order under section 3 should direct the Revenue Officer not only to make the estimate for the purpose of assessing revenue but also to make the fair rents binding upon the different grades of tenants.

In my opinion, the law in this respect should be the same whether the land is agricultural or non-agricultural. The law applicable to the assessment of agricultural lands not subject to any permanent settlement is laid down in Part II of Chapter X of the Bengal Tenancy Act. But the proviso to section 101 (*1*) of the Bengal Tenancy Act, which was newly inserted by the amending Act, 1928, has excluded the operation of sections 104-105A and other relevant sections of this chapter from being applicable to non-agricultural lands. Unquestionably, this has brought in difficulty in assessing fair rents of non-agricultural lands in respect of which there is no subsisting permanent settlement by the Government. The necessity for a new legislative measure on this subject arises here and to remove this defect in the law in 1933 the late Hon'ble Sir Provash Chunder Mitter had brought in a Bill. That Bill had incorporated the provisions necessary for bringing the two laws on the same lines. But in spite of what we have heard on the floor of this

House, I think no valid reason has been put forward for a change of policy in framing this new Bill. The defect in the law might have been and can only be rectified by enacting a new law on the subject incorporating therein the relevant sections of Chapter X of the Bengal Tenancy Act. The amendments proposed in items Nos. 18-20, 29-31, 31-34 and 35-37 are all intended to remove this defect in the existing law. And for the reasons I have just stated I whole heartedly support them.

Dr. NARESH CHANDRA SEN GUPTA: I am sorry I do not see the purpose of this particular motion. The clause as it stands provides that when an order under section 101 of the Bengal Tenancy Act is made the Revenue Officer shall record under section 102 all the relevant particulars and thereafter publish the draft of the record-of-rights. So far as the other things are concerned they are not dealt with in this amendment but in amendments Nos. 35-37. So far as this particular amendment is concerned I submit that everything is already included because it refers to section 102. All the particulars under section 102 will have to be recorded and therefore I think there is no purpose in allowing an amendment which would enable the Revenue Officer to do it independently.

The Hon'ble Sir BROJENDRA LAL MITTER: I have nothing further to add.

The motion was put and lost.

Dr. NARESH CHANDRA SEN GUPTA: I beg to move that in clause 3 for sub-clause (*a*) the following be substituted, namely:—

"(*a*) (*i*) to estimate rents realised by the lessee under subsisting contracts with sub-lessees, and

(*ii*) to estimate rents fairly realisable by the lessee in respect of lands which are held in *khas* by him as well as of lands which are not held by sub-lessees under a contract in force."

The clause as it stands gives the Settlement Officer power to estimate fair and equitable rents for all or any class of tenants or any non-agricultural land, for all or any non-agricultural lands which are held *khas* by a landlord. Under the Bengal Tenancy Act section 104 and subsequent sections the Settlement Officer prepares the rent roll in which the rent of all classes of tenants are settled and that settlement is binding not only between the Government and the head lessee but also on the undertenants. In this on the contrary what is suggested is that the Settlement Officer will only *estimate* fair and equitable rent which will not be binding between the head lessee and the sub-tenant and the head lessee will not be entitled to realise increased rent either from his tenants or from his sub-tenants. The object of this clause is to assess

the rent to be realised by Government under clause 4. Fair and equitable rent which may be realised by the head lessee from his sub-tenants are to be entered for the purpose of assessing fair and equitable rent under clause 4 and for no other purpose. There is no obligatory force in this clause; I think there is an element of injustice in it. The position may be this that the head lessee may have a subsisting contract with a sub-lessee which may not be effectual against Government but which will be effectual against him on the basis of estoppel. The lessee may have a temporary lease for 10 years; he may have granted a sub-lease of a permanent character at a particular rent, that sub-lease is not binding upon Government; it is of no use because the lessee went beyond the terms of the lease. But supposing a lessee gets a fresh lease from Government the lessee himself will be bound by estoppel by the sub-lease. It may be said that he had no business to grant a lease beyond the period stipulated in the original lease. That being the position if this clause stands as it is the Settlement Officer in estimating fair and equitable rent will not take into consideration the contract between the lessee and the sub-lessee but the Settlement Officer in estimating fair and equitable rent may proceed on the basis of a fair rent of Rs. 100 or Rs. 200 or for the matter of that Rs. 1,000 and will assess land revenue under clause 4. The result of that would be that the head lessee would be liable to pay rent on the basis of Rs. 1,000 although he will be getting from his sub-tenant Rs. 100 by his original contract. As Government do not contemplate that the estimate of fair and equitable rent which will be made will be binding between the lessee and the sub-lessee I think it is fair to put it in the form in which I have put it where the Settlement Officer will be bound by the lease under a subsisting contract and not in the case of other lease where there is no subsisting contract or where the land is held in *khas* possession. That is how the estimate should be made. I hope Government will see their way to accept this amendment.

The Hon'ble Sir BROJENDRA LAL MITTER: I am afraid I cannot accept this amendment. Dr. Sen Gupta made two points. The first thing he says as between the lessee and under-lessee the Bill provides for an estimate and not for a binding settlement of the rent. But what is his own amendment. His amendment talks of an estimate but does not talk of a binding contract or of fixing the amount or settling the amount which will be binding between the lessee and the under-lessee. We are at one in this that for the purpose of assessing the revenue we have got to make an estimate.

Dr. NARESH CHANDRA SEN GUPTA: On a different basis.

The Hon'ble Sir BROJENDRA LAL MITTER: Yes, on a diferent basis. Quite. Therefore whatever may be the basis that basis is not

made by this enactment nor under our Bill nor under Dr. Sen Gupta's amendment. Both are estimates. The question is what should be the estimate and we say estimate should be fair and equitable. It may be that between the lessee and the under-lessee the lessee must be bound by the rules of estoppel, and if he loses by this contract he has to thank himself for it. Supposing a lessee gets into a contract for 50 years and gives a sub-lease for 70 years which is in excess of his power, if he has entered into a bargain and if that bargain is a losing bargain he has to thank himself for it. Why should the public revenue lose because a lessee has granted a sub-lease beyond his period of contract. I oppose the amendment.

The motion was put and lost.

Mr. SARAT KUMAR ROY: I beg to move that in clause 3 and in other clauses wherever the word "estimate" occurs, for the word "estimate" the word "settle" be substituted.

I have already discussed the necessity for bringing the law regarding assessment of non-agricultural lands on the same line with the law regarding the assessment of agricultural lands and which are contained in Part II of Chapter X of the Bengal Tenancy Act. This Bill has incorporated some of the provisions of this chapter of the Bengal Tenancy Act. But the omissions are very injurious from the landlords' point of view.

The Bill provides for the making of an estimate only of what the Revenue Officer shall consider fair. He will not settle such rents as between different grades of tenants; neither he will incorporate the roll in any record of rights. So that the effect of clause (3) (*a*) of the Bill mean the result of the estimate, though useful for the purpose of assessing Government Revenue, will be wholly useless as for compelling the tenants to pay rents at such rates. It is therefore necessary that the Revenue Officer shall not merely make an estimate of the fair rent but shall also frame a record of rights and finally publish the same. I therefore suggest that he may be directed to settle such fair rents as in the case of agricultural lands.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I am afraid that the object of Mr. Roy will not be achieved by this amendment. It may be achieved by the two subsequent amendments, but I think the principle for which he stands is irresistible having regard to the opposition of the Government to my amendment. Because if you are going to estimate fair rent on the basis of what ought to be realised rather than what is actually realised, you are going to extinguish the permanent right of the lessee. As a matter of fact, suppose for instance, a tenant of an estate which has been newly acquired by Government at a land revenue

sale: that tenant used to have a permanent tenancy under the original proprietor: by the effect of the land revenue sale, if it is not one of the protected interests, that permanent interest has been extinguished. Government having become the proprietor, this tenant becomes a tenant under the Government and Government settles the rent of those who are also under-tenants. That is to say, the head lessee under the zemindar who has a permanent interest has let out the land by a permanent lease to an under-lessee. There is no question of outstriping his power knowingly, but his permanent right is extinguished. In that case what will be the position?

The Hon'ble Sir BROJENDRA LAL MITTER: Would the estoppel operate there? Are you quite sure?

Dr. NARESH CHANDRA SEN GUPTA: I am not quite sure that the estoppel would not operate. As against a stranger lessee all the under-tenancies would be extinguished. But I am not sure that the estoppel would not operate against the original owner if he takes a fresh settlement. The proposition that estoppel does not operate against the statute is not unqualified. Besides that, there may be expectations raised by the settlement. For instance, when the Wari land was settled, the tenants took the land on certain expectations that they ought to have a renewal of the lease on a moderate rent and on the basis of that they settled with under-tenants on the footing of that expectation. Now Government wants to frame an estimate of fair rent and proceeds to assess on that. The tenant took the land on certain expectations and his expectations were reasonable, but this Bill nullifies them. In such circumstances if you assess the head lessee on a particular basis, the head lessee ought to have a right to realise from the under-lessee on that basis.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, this morning I tried to make it clear that this was purely a revenue measure and not a tenancy measure. So far as the relationship between the lessees and the under-lessees is concerned, that is a matter in which Government have no interest whatsoever. This measure is designed merely to secure fair Government revenue. It does not interfere in any way with the relationship between the lessee and the under-lessee. That is a matter of tenancy in which they can bargain. If one party has made a foolish bargain, he has got to suffer for it. My answer to Dr. Naresh Chandra Sen Gupta is that hard cases ought not to make bad law. What I submit is that Mr. Roy's amendment is entirely outside the scope of this Bill. The scope of this Bill is to provide a machinery for the purpose

of assessing revenue, but what he seeks is that Government should make contracts between all the people who hold land under Government. That is not the scope of this Bill. I oppose the amendment.

The amendment being then put a division was taken with the following result:—

AYES.

Ali, Maulvi Hossan.
Baksh, Maulvi Syed Majid.
Bal, Rai Bahadur Sarat Chandra.
Banerji, Sai Bahadur Keshab Chandra.
Banerji, Mr. P.
Barma, Babu Promhari.
Chatterjee, Mr. S. C.
Chaudhuri, Babu Kishori Mohan.
Chaudhury, Maulvi Abdul Gani.
Das, Sai Bahadur Satyendra Kumar.
Fazlullah, Maulvi Muhammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hakim, Maulvi Abdul.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mittra, Babu Sarat Chandra.
Mollah, Maulvi Mosiem Ali.
Quasem, Maulvi Abdul.
Rai Mahasai, Manindra Deb.
Ray, Mr. Shanti Shekhareswar.
Sadeque, Maulvi Mahamed.
Samad, Maulvi Abdus.
Ray, Mr. Sarat Kumar.
Sen Gupta, Dr. Naresh Chandra.
Sinha, Babu Kshetra Nath.
Tarafder, Maulvi Rajibaddin.

NOES.

Armstrong, Mr. W. L.
Bal, Rai Sahib Lalit Kumar.
Basu, Mr. S.
Blandy, Mr. E. N.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizar Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Cohen, Mr. D. J.
Das, Babu Guruprasad.
Dutt, Mr. R. S.
Edgley, Mr. N. G. A.
Elcock Mr. James.
Farequi, the Hon'ble Nawab Sir Muhiuddin, Kt. of Butanpar.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Graham, Mr. H.
Griffiths, Mr. Charles.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Homan, Mr. F. T.
Hooper, Mr. R. B.
Hossain, Maulvi Muhammad.
Hussain, Maulvi Latafat.
Jenkins, Dr. W. A.
Khan, Maulvi Abi Abdalla.
Khan, Mr. Razaer Rahman.
Kludersley, Mr. J. B.
Lesson, Mr. R. W.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brajendra Lal.
Mukhopadhaya, Bai Sahib Sarat Chandra.
Nag, Reverend B. A.
Nazimuddin, the Hon'ble Khwaja Sir.
Norton, Mr. H. R.
Porter, Mr. A. E.
Raheem, Mr. A.
Ray Chaudhury, Mr. K. C.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Rijoy Prasad Singh.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Bris Chandra.
Steven, Mr. J. W. R.
Stevens, Mr. H. S. E.
Studd, Mr. Eric.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. R.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 27 and the Noes 49, the motion was lost.

Mr. PRESIDENT: I have received a short-notice amendment from the Hon'ble Member in charge of the Bill. I have admitted it and I better read it out to the House:—

"That in clause 3, lines 8 and 9, after the word 'record of rights', the following be inserted, namely, 'and disposing of any objections thereto in accordance with rules made by the Local Government under the Bengal Tenancy Act, 1885, or under this Act, as the case may be'."

The Hon'ble Member may now formally move it.

Short-notice amendment.

Mr. J. B. KINDERSLEY: I beg to move that in clause 3, lines 8 and 9, after the word "record of rights" the following be inserted, namely, "and disposing of any objections thereto in accordance with rules made by the Local Government under the Bengal Tenancy Act, 1885, or under this Act, as the case may be".

The object of moving this amendment is that in the section as drafted we have made a provision for publishing draft record-of-rights; but no provision has been made for hearing objections thereto on the analogy of section 103 of the Bengal Tenancy Act. Item No. 18 brought this to our notice and the Hon'ble Member accordingly decided that we should here also include a provision for hearing objections.

Rai Bahadur KESHAB CHANDRA BANERJI: This short-notice amendment shows that the Bill was drafted in a great hurry. The amendment, if accepted, will go a great way towards solving many a practical difficulty. Items No. 29-31 which relate to clause 3 need not be moved, because they are practically identical. I think the House should accept the amendment.

The motion was put and agreed to.

The question that clause 3, as amended, stand part of the Bill was put and agreed to.

Mr. PRESIDENT: Amendments Nos. 32-37 cannot be moved as they require previous sanction and previous sanction has not yet been obtained.

The question that clauses 3A and 3B, stand part of the Bill was put and agreed to.

Clause 4.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that clause 4 (*c*) be omitted.

In moving this motion I would like to submit that while speaking on the 9th November last on the motion in connection with the recommittal of this Bill, I already assigned reasons for such omission and I also stated on that occasion that the market value should not be one of the criteria to be taken into consideration for estimating the rent; at that time I also strongly emphasised that the existing rent should be the basis of assessment. I am now at a loss to find as to why, seeing that there is no such provision in the Bengal Tenancy Act, there should be such a provision in this Bill for estimating the rent. A rise in the market value, if any, is not due to Government in regard to *khas mahal* land, but it is the tenants who have effected improvements to which the

rise is due. Everybody here knows that the market value of lands always fluctuates for various reasons. As there is no provision for reduction in rent in case of a fall in the market value, I cannot follow why market value should be the data and I think if it is to be taken as a datum it would be an imaginary one. I am sure that assessment on the basis of market value will ordinarily increase the rent. To cite an instance on this point, I would repeat that at Dacca the assessment recently made by the Collector at a half and one and a half per cent. of the market value has resulted in assessments which are about 8 to 40 times of the existing rent. With these words I commend my motion to the acceptance of the House.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, clause 4 (c) lays down that the Revenue Officer should take into account the market value of the land immediately before an order under section 3 is made. The question for consideration is whether it would be reasonable to assess these lands on their market value. In this connection, I wish to bring to the notice of the House the fact that the Bill has not yet been passed but the market value of the lands in the Wari quarters of the city of Dacca has already been fixed: this is preposterous. The Collector has already assessed the value of each *bigha* of land in Wari at Dacca at Rs. 7,320, whatever may be its situation. The Act will come into operation as soon as it receives the assent of His Excellency the Governor-General and then it will be published in the *Calcutta Gazettte*. But before the formalities have been gone through and the Act put into operation, the market value of the lands has already been fixed by the Collector! It may be that when the actual time for assessment comes, the market value may decrease. If it comes down to Rs. 2,000, Rs. 3,000 or even less, will the rent be reduced? Why should you fix the market value beforehand at this stage? That would be binding the future Revenue Officer and the market value of a *bigha* at 4 per cent. on Rs. 7,320 will be considerable. Sir, I find from the list of amendments that have been tabled for discussion that the Hon'ble Member proposes to reinsert the clause relating to the fixation of 4 per cent. of the market value and thereby alter the recommendation of the Select Committee who thought that the assessment should not exceed 2 per cent.

That, Sir, will raise the assessment to an abnormal figure. This cannot be supported in any way. So I think that the words "market value" should be expunged and the assessment should be made on some other principle. It is well-known that the houses standing on these *khas mahal* lands—I am speaking from my own experience of the non-agricultural *khas mahal* lands in the town of Dacca, particularly in the Wari quarters—do not fetch the income that they used to about 20 or 25 years ago. Owing to continued economic depression

and the Dacca riots of May, 1930, there has been a considerable depreciation in the letting value of all buildings in Dacca; the rent of houses has been reduced by 50 per cent. and in some cases more. That is why I think that the market value should not be the basis for consideration in assessing the rent of *khas mahal* lands. Then again, we should take into account the fact that tenants whose buildings unfortunately stand on these *khas mahal* lands will be required to pay not only the rent that may be assessed in future, but they will have to meet the demands of the municipality and other charges incidental to the upkeep of the garden or the land. On a calculation, it will appear that the amount they will have to pay will be considerable. In many cases, the lessees are widows of persons who originally took lease of the lands from Government. They now occupy these lands and their only means of livelihood is the rent they get from their tenants, and it can be easily understood how far it is possible for an ordinary widow to defray the increased expenses in the shape of municipal taxes *plus* the heavy rent which she will be required to pay under this Act. These are the reasons, Sir, for which I think this provision should be deleted from the clause and some other basis fixed for the assessment of rent.

Adjournment.

The Council was then adjourned till 2 p.m. on Wednesday, the 2nd December, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Wednesday, the 2nd December, 1936, at 2 p.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 91 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Sundarban Estates.

*70. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) the average increment of land revenue of the Sundarban Estates in the districts of 24-Parganas, Khulna and Bakarganj under the Waste Lands Grant Rules of 1853 and 1879; and

(*ii*) the final order of the Government on the memorials of the British Indian Association and of the Sundarban Landholders' Association for the modification of the terms and conditions of the revised leases?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*i*) The average increase of revenue in the Sundarban Estates has been as follows:—

	District.	Percentage of increase
For Estates held under the Rules of 1853 ..	24-Parganas ..	560
	Khulna ..	500
For Estates held under the Rules of 1879 ..	24-Parganas ..	300
	Khulna ..	180
	Bakarganj ..	150

(*ii*) Government orders were conveyed to the Sundarban Landholders' Association in Government order Nos. 2514L.R. of the 17th March,

1934, 11237L.R. of the 12th November, 1934, and 18795L.R., of the 17th December, 1935, and to the British Indian Association in Government order No. 244T.—R. of the 23rd May, 1936. Government have considered the representations and do not consider that there is any ground to revise the terms and conditions on which resettlement has been made.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state why there has been this difference in percentage though governed by the same Act?

The Hon'ble Sir BROJENDRA LAL MITTER: It depends very much upon the value of the land.

Gun licence of Mr. Kiron Shanker Ray.

*71. **Mr. P. BANERJI:** (*a*) Is the Hon'ble Member in charge of the Political Department aware that Mr. Kiron Shanker Ray, ex-member of the Bengal Legislative Council, is a graduate of the University of Oxford, a Bar.-at-Law, a member of a Joint Hindu family owning property in Dacca, Faridpur, Pabna, Dinajpur, 24-Parganas, Calcutta and Darjeeling?

(*b*) Is it a fact that he was the holder of a gun licence from 1919 to 1931?

(*c*) Is it a fact that his cousins, the sons of the late Raja Shyama Shanker Ray Chowdhury, are enjoying exemption from gun licences?

(*d*) Is it a fact that his gun was taken away in 1931 after his conviction under section 124A?

(*e*) Why have not the Government returned his gun licence?

(*f*) Is it a fact that he applied on the 29th July, 1936, for licence to possess a gun for protection and *shikar*?

(*g*) Has the licence been granted to him on the said application?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) The facts as stated are understood to be correct.

(*b*) He was a holder of a gun licence from 1923 to 1930.

(*c*) The sons of the late Raja Shyama Shanker Ray Chowdhury are so exempted.

(*d*) His licence was cancelled and he was directed to surrender his gun after his conviction under section 124A, I.P.C., in 1930.

(*e*) to (*g*) He applied for a licence to the Calcutta Police, and his application was refused by the Deputy Commissioner of Police, Headquarters, because it was considered that he was not a suitable person to possess a gun licence.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether the conviction under section 124A, I. P. C., was the only reason to consider this gentleman an unsuitable person for a gun licence?

The Hon'ble Sir ROBERT REID: I cannot say whether it was the only reason. I have stated in the latter part of the answer that he was considered not to be a suitable person.

Mr. SHANTI SHEKHARESWAR RAY: Why was Mr. Kiran Sanker Ray considered to be an unsuitable person to possess a gun licence?

The Hon'ble Sir ROBERT REID: I think a person who has been convicted under section 124A, I. P. C., can hardly expect to receive very much consideration in the matter of a gun licence.

Mr. SHANTI SHEKHARESWAR RAY: Is a person to be debarred during his whole life from having a gun licence simply because he had been once convicted under section 124A?

The Hon'ble Sir ROBERT REID: I never said that, Sir.

Mr. P. BANERJI: Is the Hon'ble Member aware that persons who have been convicted under section 124A, are holding gun licences?

The Hon'ble Sir ROBERT REID: That is quite possible, Sir. I never said that that was the general rule.

Mr. P. BANERJI: Why then an exception was made in the case of Mr. Kiran Sanker Ray who is considered to be a highly respectable person as being an unsuitable person for a gun licence?

The Hon'ble Sir ROBERT REID: Each case has to be considered on its own merits, and the circumstances of each case are not necessarily the same.

Mr. P. BANERJI: Will the Hon'ble Member please enlighten us with the demerits of this case?

The Hon'ble Sir ROBERT REID: No, Sir; I shall not attempt to do that.

Dr. AMULYA RATAN GHOSE: How many gentlemen convicted under section 124A have been dispossessed of their guns?

The Hon'ble Sir ROBERT REID: I have no idea, Sir.

Transfer of ministerial officers, Judge's Court, Chittagong.

*72. **Khan Bahadur Haji BADI AHMED CHOWDHURY:** (*a*) Is the Hon'ble Member in charge of the Judicial Department aware of the Hon'ble High Court's Circular No. 1007(2) contained in Civil Rules and Orders which enjoins upon the transfer of an Assistant to some other district when transfer in the district is not possible from his post to which he has been attached for a period of 5 years?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay on the table a statement showing the names of officers, if any, who have been serving in the Judge's Court, Chittagong, for a period of about ten years?

MEMBER in charge of JUDICIAL DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) Rule 1007 (*2*) refers to such cases in which the District Judge considers it desirable to transfer a ministerial officer.

(*b*) The following officers have been serving there for over nine years:—

Babu Bipin Behari Dhar, B.A.

Babu Jyotish Chandra Sen, B.A.

Babu Kali Prasanna Chowdhury.

M. Amiral Islam.

Babu Jogendu Bikash Roy.

Babu Dhirendra Nath De.

Babu Jogesh Chandra Chowdhury, B.SC.

Rai Bahadur KAMINI KUMAR DAS: Do Government contemplate transfer of officers under Rule 1007 (2)?

The Hon'ble Sir BROJENDRA LAL MITTER: I have not the remotest idea, Sir.

Realisation of arrears of land revenue.

*73. **Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur:** (*a*) With reference to his reply to my starred question No. 83, dated the 23rd March, 1935, will the Hon'ble Member in charge of the Revenue Department be pleased to state whether the decision of the Government to realise only the interest at the rate of 6 per cent. per annum on arrears of land revenue with effect from the June *kist* of 1935 has been circulated to all concerned in the realisation of land revenue?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay a copy of the circular on the table?

(*c*) Is the Hon'ble Member aware that in spite of the Government's decision referred to in (*a*) and the provision of the Bengal Land Revenue (Interest) Act of 1935 (Bengal Act XVII of 1935) both penalty at the rate of 2 per cent. per annum and an additional interest at the rate of 6 per cent. per annum are being realised by Collectors in certain districts of Bengal?

(*d*) If the answer to (*c*) is in the affirmative, what steps have been taken in the matter?

(*e*) Will the Hon'ble Member be pleased to state whether it is a fact that the Bengal Land Revenue (Interest) Act of 1935 which was published in the *Calcutta Gazette* of the 26th September, 1935, is the Act referred to in the reply to clause (*c*) of question No. 83 (starred) of the 23rd March, 1935?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes.

(*b*) A copy of notification No. 424L.R., dated the 10th January, 1936, is laid on the Library table. Copies of the notification were also forwarded to the Board of Revenue and all Commissioners and Collectors.

(*c*) and (*d*) Both interest and penalty are being charged. The penalty is, however, usually a nominal amount realised in lump and not at 2 per cent. on arrears. It is levied by way of a fee for exemption from sale which is in the discretion of the Collector. Instructions are being issued to the effect that the penalty should ordinarily be levied only from habitual defaulters.

(*e*) Yes.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Member be pleased to refer to his speech on the floor of the House on 30th July, 1935, in connection with Bengal Land Revenue (Interest) Bill and explain whether it was not distinctly stated therein that there is no distinction between interest and penalty?

For the purpose of refreshing his memory, I am reading the relevant portion, namely, "in this connection, I find that some honourable members are under a misapprehension with regard to the interest which was excused. Since January, 1933, in many cases, the Collector, in exercise of his discretion, excused the interest or the penalty payable under the Act of 1859"?

The Hon'ble Sir BROJENDRA LAL MITTER: It is not in every case that the penalty is imposed. The Collector has a discretion in the matter. In law both penalty and interest are leviable and the Collector generally charges either the one or the other. We are giving definite instructions to all Collectors that penalty is not to be charged except in cases of habitual defaulters.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Member be pleased to say whether the penalty only has been charged from the defaulting zemindars and no interest had been charged before the passing of the Bengal Land Revenue (Interest) Bill?

The Hon'ble Sir BROJENDRA LAL MITTER: I ask for notice.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Member be pleased to refer to the last portion of his speech delivered on 30th July, 1935, in connection with the Land Revenue (Interest) Bill and say whether a distinct assurance was given to the House that the levying of the interest on arrears of revenue "imposes no new taxation, imposes no new burden"? I am, with your permission, reading that portion—"The rate will be 6 per cent., although Government will have the power to raise the limit to 7½ per cent., that is the maximum. That is all the provision of the Bill; it imposes no new taxation, imposes no new burden".

The Hon'ble Sir BROJENDRA LAL MITTER: That is a fact, Sir.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether it is not a fact that there is no provision in the Revenue Sale Law for imposing interests?

The Hon'ble Sir BROJENDRA LAL MITTER: There was a provision in the earlier Acts; then a bar was imposed to the levy of interests. I think it was in 1933 that the bar was removed so that the bar to the levy of interest having gone, interest was charged. A teachnical difficulty arose and that is why an Act was passed last year.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Member be pleased to state whether it is a fact that the penalty which is charged from the defaulting zemindars depend for its sanction upon an order of the Hon'ble the Board of Revenue of 1909 and not on any law, and that to put the whole matter on a legal basis the Land Revenue Interest Act was enacted as he himself admitted in reply to my starred question No. 83 of 23rd March, 1935?

The Hon'ble Sir BROJENDRA LAL MITTER: If I have answered I have answered.

Raja Bahadur BHUPENDRA NARAYAN SINHA, of Nashipur: Will the Hon'ble Member be further pleased to state whether the Act of 1935 has not abrogated and nullified the order of the Board of Revenue of 1909, prescribing the payment of a penalty of Rs. 25?

The Hon'ble Sir BROJENDRA LAL MITTER: That is a legal question, Sir.

Hardinge Bridge.

*74. **Maulvi SYED MAJID BAKSH:** Will the Hon'ble Member in charge of the Public Works (Railways) Department be pleased to state whether it is a fact—

(*i*) that the flood-level in the Ganges near the Hardinge Bridge in 1936 was equal to the flood-level in the same river in 1934;

(*ii*) that more cusecs of water has passed through the Mathabhanga in 1936 than in 1934;

(*iii*) that there was danger to the Hardinge Bridge in 1934; and

(*iv*) that there was no danger to the Hardinge Bridge this year?

MEMBER in charge of PUBLIC WORKS (RAILWAYS) DEPARTMENT (the Hon'ble Sir John Woodhead): (*i*) No. The flood-level was 4·8 inches higher in 1936 than in 1934.

(*ii*) and (*iii*) Yes.

(*iv*) No, in 1936 the bridge was still being called upon to stand unusual conditions and special measures had to be taken this year also.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member kindly state whether there was any grave and imminent danger in 1936 like that of 1934?

The Hon'ble Sir JOHN WOODHEAD: No, Sir,

Maulvi SYED MAJID BAKSH: In that case, will the Hon'ble Member please bring it to the notice of the Railway authorities that the passage of more water through the Mathabhanga is the real cause of there being no very serious danger?

The Hon'ble Sir JOHN WOODHEAD: I cannot express any opinion on the point raised by the Hon'ble Member.

Muslim appointments in the Calcutta School of Tropical Medicine.

***75. Khan Bahadur Maulvi MUAZZAM ALI KHAN:** Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state—

(*i*) how many permanent as well as temporary appointments have been made in the post of Assistant Professors and Assistant Research Workers in various departments of the Calcutta School of Tropical Medicine since his reply to starred question No. 107, dated the 27th August, 1935:

(*ii*) how many of these have gone to the—

(*a*) Hindus, and

(*b*) Muslims;

(*iii*) how many of the appointments were advertised;

(*iv*) how many Muslim candidates with requisite qualifications applied for each of the said appointments;

(*v*) how many of these were granted interviews;

(*vi*) whether any Muslim candidate was recorded fit for any of these posts by any of the Selection Committees;

(*vii*) how many of the appointed candidates had an opportunity of working in these departments previous to the advertisements and for what period in each case; and

(*viii*) what facilities and opportunities are being given to the Muslim medical officers and medical men working in the various departments of the School of Tropical Medicine since the 7th August, 1935?

MINISTER in charge of LOCAL SELF-GOVERNMENT (MEDICAL) DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*i*) Appointments have been made to two posts of Assistant Professors in the School of Tropical Medicine. One of these posts has been filled permanently and the other temporarily.

(*ii*) Both the candidates selected are Hindus.

(*iii*) Both the posts were advertised.

(*iv*) and (*v*) One in each case. Both were granted interviews by the Selection Committee.

(*vi*) No.

(*vii*) One of the selected candidates, who is a Bengal Medical Service Officer, had worked temporarily as Assistant Professor for a period of 2 years and 2½ months. The other selected candidate had no opportunity of working in the institution before his appointment.

(*viii*) The Muslim medical officers who work in the School are given equal facilities and opportunities with those belonging to other communities.

Maulvi MAHAMED SADEQUE: Will the Hon'ble Minister be pleased to state what recommendation was made by the Selection Committee in relation to the two Muslim candidates?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: With regard to the Assistant Professor of Tropical Medicine, the recommendation of the Selection Committee was this—

"The Selection Committee was of opinion that Dr. Muhammad Mustafa was definitely lacking in any of the essential qualifications."

With regard to the Assistant Professor of Laboratory Practice, the recommendation was, "he is the only Muhammadan candidate for appointment. The Committee would place him second in the list; he, however, has no teaching experience, lacks in personality and his knowledge of English is rather poor."

Maulvi MAHAMED SADEQUE: Will the Hon'ble Minister be pleased to state why no Muslim candidate has been given any opportunity to be trained as a temporary hand?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Equal opportunities were given.

Maulvi MAHAMED SADEQUE: Was any Muslim candidate ever admitted as a temporary hand in the Tropical School?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: If there are vacancies, and if there are suitable Muslim candidates available, they are given equal opportunities with the Hindus.

Maulvi MAHAMED SADEQUE: Will the Hon'ble Minister be pleased to state whether the Government circular fixing the percentage of appointments for Muslims applies to his Department as well?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Yes, it does.

Leave out of India to Medical Service men.

*76. **Khan Bahadur Maulvi MUAZZAM ALI KHAN:** Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to lay on the table a statement showing—

(*i*) how many members of the Bengal Medical Service have been granted leave *ex*-India within the last 15 years for higher medical studies;

(*ii*) how many were granted study leave and how many ordinary leave; and

(*iii*) how many of them were—

(*a*) Hindus, and

(*b*) Muslims?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: A statement is laid on the table giving the required information.

Statement referred to in the reply to starred question No. 76.

1. Number of Hindu officers who applied for ordinary leave out of India during the last 15 years ... 1

   (This officer was granted ordinary leave.)

2. Number of Hindu officers who applied for study leave out of India (up to end of 1935) ... 17

   Of these, 7 were granted study leave out of India, 6 were granted ordinary leave out of India, 2 withdrew their leave applications and 2 were refused leave.

3. Number of Muhammadan officers who applied for ordinary leave out of India during the last 15 years ... Nil

4. Number of Muhammadan officers who applied for study leave during the last 15 years ... 2

   Of these, 1 was granted study leave out of India and the other withdrew his leave application.

Resident Surgeons of Calcutta Medical College Hospitals.

*77. **Khan Bahadur Maulvi MUAZZAM ALI KHAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to lay on the table a statement showing—

(*i*) how many Resident Physicians, Resident Surgeons of the Medical College Hospitals and Resident Surgeons of Eden Hospital were appointed for the last six years;

(*ii*) how many of these were—

(*a*) Hindus, and

(*b*) Muslims?

(*b*) If there were no Muslims, what opportunities and facilities have the Government afforded to the Muslim officers for these posts to qualify them in due course?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) A statement is laid on the table.

(*ii*) (*a*) 10 and (*b*) 2.

(*b*) Does not arise.

Statement referred to in the reply to clause (a) of starred question No. 77 showing the number of Resident Physicians and Resident Surgeons in the Medical College and Eden Hospitals.

	Medical College Hospitals.	Eden Hospital.
Resident Physicians	3	..
Resident Surgeons	3	2
Resident Surgeons, Eye Hospital	4	..
Hindus	10	
Moslems	2	

Resident Surgeons and House Officers in the Calcutta Medical College Hospitals.

*78. **Khan Bahadur Maulvi MUAZZAM ALI KHAN:** Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state—

(*i*) how many whole-time Resident and House Officers of the Bengal Medical Service are there in the Medical College Hospitals in its various departments;

(*ii*) how many of them are provided with quarters; and

(*iii*) what is the size of the quarters occupied by the Resident Officers and House Officers, respectively?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) Five whole-time Resident Officers and 7 whole-time House Officers belonging to the Bengal Medical Service.

(*ii*) All except the Resident Medical Officer, Eye Hospital, who is given a compensatory allowance of Rs. 100 per month.

(*iii*) A statement giving the information is laid on the table.

Statement referred to in clause (iii) of starred question No. 78 giving the size of the quarters occupied by the Resident Officers and House Officers respectively.

1.	Resident Physician, Medical College Hospital.	One two-storied building containing 8 living rooms of sizes varying from 32″ 6″ × 16′ to 14′ 6″ × 14′ with attached bath room and kitchen.
2.	Resident Surgeon, Medical College Hospital.	The upper story of a building containing 4 living rooms, varying in size from 31′ 8″ × 21′ 2″ to 11′ 10″ × 14′ (minimum) with a attached bath room and kitchen.
3.	Senior Demonstrator of Practical Pharmacy, Medical College Hospital.	Part of lower story of the building as in (2), containing 7 rooms of sizes varying from 18′ × 20′ to 14′ × 12′ with bath room and kitchen attached.
4.	Resident Surgeon, Eden Hospital	Two rooms, one on the first and the other on the ground floor of the Eden Hospital, each room measuring 20′ × 17′ 10″ with attached bath room and kitchen.

Resident House Officers.

1.	Senior House Physician to the Professor of Medicine.	One room measuring 15′ × 14′ 6″: in the upper story of the Eden Hospital out-door building.
2.	Senior House Surgeon to the Professor of Midwifery.	One room measuring 15′ × 14′ 6″: in the upper story of the Eden Hospital out-door building.

3 & 4.	First and 2nd House Surgeons to the Professor of Opthalmic Surgery.	One room measuring 15′ × 14′ 6″: in the upper story of the Eden Hospital out-door building. Attached bath room and kitchen common for occupiers of 1, 2 and 3.
5.	Senior House Physician to the Professor of Clinical Medicine.	One room on the ground floor of the Prince of Wales Hospital, measuring 21′ 8″ × 16′ with attached bath room and kitchen.
6.	Senior House Surgeon to the Professor of Clinical and Operative Surgery.	One room alongside of the former (4) and of the same size. Bath room and kitchen common for both.
7.	Senior House Surgeon to the Professor of Surgery.	One room on the terrace of the Prince of Wales Hospital measuring 20′ 4″ × 16′ 6″ with a kitchen and bath room attached.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Municipal Ratepayers' Associations.

53. MUNINDRA DEB RAI MAHASAI: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether any representation has been received for having the rights and privileges of the various municipal ratepayers' associations in Bengal clearly defined?

(*b*) If the answer to (*a*) is in the affirmative, are the Government considering the desirability of laying a copy of the said representation on the table?

(*c*) Are the Government considering the desirability of giving effect to the proposals made in the representation?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) and (*b*) A copy of a resolution of the Executive Committee of the Chinsura Ratepayers' Association, which is recognised by Government, and copies of two other letters on the subject addressed by a member of the Executive Committee of the same Association are placed on the Library table.

(*c*) Under the executive instructions of Government, a recognised association is required to submit its representation through the District Magistrate and the Commissioner of the Division. The Commissioner of the Burdwan Division has already asked the Secretary of the Association to submit the representation through the District Magistrate of

Hooghly and Government will consider the matter on receipt of the report of the local officers on any proposals that may be submitted through them.

Old Benares Road.

54. Mr. P. BANERJI: (*a*) Has the attention of the Hon'ble Minister in charge of the Local Self-Government Department been drawn to the question of the repair to the Old Benares Road lying between Chanditolla and Sheakhala?

(*b*) Had the attention of the Hon'ble Minister been drawn to the resolution of the Hooghly District Board which runs as follows:—

> "The Hooghly District Board adopted a resolution on the 26th September, 1936, expressing satisfaction of the Government's approval of the proposal to improve the Old Benares Road between Chanditala and Sheakhala, and requesting the Government to undertake the work as soon as possible"?

(*c*) Is the Hon'ble Minister aware that in terms of agreement made between the District Board of Hooghly and the Howrah-Sheakhala Light Railway Company, Limited, on the 10th day of January, 1898, the promoters, i.e., Messrs. Martin & Co., Managing Agents, shall henceforth be discharged from all liability?

(*d*) Is it not a fact that the Hon'ble Minister pointed out in the proceedings of the 12th meeting of the Board of Communications held on the 16th August, 1935, that the Howrah-Sheakhala Light Railway has a guarantee of a 4 per cent. dividend from the District Boards of Hooghly and Howrah?

(*e*) Is the Hon'ble Minister aware that all the bodies (both Europeans and Indians) unanimously expressed their views that the improvement of the Old Benares Road is an imperative necessity?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state whether the Government proposes to undertake the work? If so, when?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) No such resolution has been forwarded to Government by the District Board.

(*c*) By the agreement made on the 10th January, 1898, between the District Board of Hooghly and the Bengal District Road Tramways Company (Howrah-Sheakhala), Limited, the promoters of the Howrah-Sheakhala Light Railway Company who were a party to the agreement of 1889 were discharged from all liability.

(*d*) Yes.

(*e*) Certain associations have recommended the improvement of this road.

(*f*) On the advice of the Board of Communications the proposal is now under examination from the point of view of competition with the Howrah-Sheakhala Railway and a final decision cannot be reached until the opinion of that railway is received and considered by Government and the Board of Communications.

Mr. P. BANERJI: What is the nature ot competition which the Hon'ble Minister apprehends in case the Old Benares Road is metalled?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Direct competition, Sir.

Mr. P. BANERJI: Is it not a fact that wherever there are metalled roads, competition exists with the adjoining Railways?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: That is generally the case, but not in every case it is so.

Mr. P. BANERJI: Why then in this particular case the Hon'ble Minister is taking the question of competition into consideration?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: Competition in every case is taken into consideration and not only in this partioular case it is being done.

Mr. P. BANERJI: With reference to answer (*e*), will the Hon'ble Minister be pleased to say whether the decision was unanimous?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: I want notice.

Agriculture and milch cattle.

55. Mr. KARTICK CHURN MULLICK: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state what action, if any, is under contemplation to improve the agricultural and milch cattle, both in number and quality, of this province?

(*b*) Do the Government propose taking any steps to prevent the indiscriminate slaughter of prime and milch cows?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (*a*) The member is referred to the Resolution on the Annual

Report of the Department of Agriculture for 1935-36, a copy of which is placed on the Library table.

(*b*) The matter is under examination.

Rai Bahadur KESHAB CHANDRA BANERJI: Will the Hon'ble Minister be pleased to state how long the matter has been under examination?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: For some time, Sir.

Rai Bahadur KESHAB CHANDRA BANERJI: For how many months?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I do not remember.

Rai Bahadur KESHAB CHANDRA BANERJI: When will a decision be reached in the matter?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I cannot prophesy the date.

Rai Bahadur SATYA KINKAR SAHANA: What benefit has been derived by introducing a few stud bulls in the districts? Has the stamina of the milch cows increased thereby?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: I refer the honourable member to the annual report of the department concerned.

Proposal for a Land Mortgage Bank at Feni.

56. Maulvi MAHAMED SADEQUE: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state whether any representation for the establishment of a Land Mortgage Bank has been received from Feni?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has been or is proposed to be taken in the matter?

(*c*) Is the Hon'ble Minister considering the desirability of taking steps for the establishment of a Land Mortgage Bank at Feni?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) No.

(*b*) Does not arise.

(*c*) Not at present.

Surplus lands of the Calcutta Improvement Trust.

57. Mr. KARTICK CHURN MULLICK: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to lay on the table a statement showing—

(*i*) the amount in rates paid by the Improvement Trust to the Corporation of Calcutta, year by year, during the last 10 years for each ward separately; and

(*ii*) the estimated value of the surplus lands lying with the Trust for more than 3 years at a stretch after the completion of a scheme for which full rates are being paid to the Corporation?

(*b*) Will the Hon'ble Minister be pleased to state what steps are being taken by the Trust to set free the money and to utilise it for other schemes?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) A statement is laid on the table. Particulars, ward by ward, are not available.

(*ii*) Nil.

(*b*) Surplus land appertaining to a scheme is placed on the market as soon as the scheme is completed.

Statement referred to in the reply to clause (*a*) (*i*) *of unstarred question No. 57.*

Year.	Amount.		
	Rs.	a.	p.
1926-27	80,985	4	3
1927-28	80,513	5	2
1928-29	88,011	9	5
1929-30	96,801	3	4
1930-31	59,131	7	10
1931-32	53,413	4	3
1932-33	58,417	4	9
1933-34	2,24,632	6	3
1934-35	3,55,202	10	11
1935-36	2,65,386	4	3
Total ..	13,62,494	12	5

Noabad Taluks of Chittagong.

58. Khan Bahadur Haji BADI AHMED CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware that no consideration has been made by the Special Officer for abatement or remission of rents of *talukdars* and *jotedars* directly under Government in Chittagong paying below Rs. 10?

(*b*) Are the Government contemplating abatement or remission of rents of *taluks* and *jotes* of such cultivators like those of the big *talukdars* and *jotedars* who have already got relief in the matter?

(*c*) Is there any Special Officer now in Chittagong?

(*d*) If the answer to (*c*) is in the negative, are the Government considering the desirability of appointing a Sub-Deputy Collector at Chittagong Sadar or any other officer to consider and to reduce or remit rents of *talukdars* and *jotedars* directly under Government paying below Rs. 10?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes.

(*b*) to (*d*) No.

Rai Bahadur KAMINI KUMAR DAS: Why no question was taken up with regard to *talukdars* and *jotedars* directly under Government paying below Rs. 10?

Mr. J. B. KINDERSLEY: The reason that the question was not taken up with regard to *jotedars* and *talukdars* paying below Rs. 10 was that the increase of rents in those cases was small, particularly in the case of *talukdars*. A *talukdar* who owns a *taluk* with a rent of Rs. 10 or less is almost invariably in *khas* possession and his rent is actually at least 30 per cent. less than that of *ryots* holding similar lands.

Warnings in respect of youths found in association with suspects.

59. Babu KISHORI MOHAN CHAUDHURI: (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that there is a general desire that the terrorist activities should be stopped; and

(*ii*) that if a young man as soon as he is seen associated with a political suspect, be warned to give up the company of the political suspect, it is most likely that he may be more careful in future and avoid his company?

(*b*) With reference to the last part of the reply to starred question No. 3 (*a*) and (*b*) of the current session, are the Government considering the desirability of issuing instructions to the proper authorities that as soon as a young man is seen in company of a political suspect, in all cases a warning should be conveyed to the young man and his guardian and the head of the institution in which the young man may be a student, naming the particular person or persons from whom the young man should disassociate and a signature be taken of the persons receiving the warning?

(*c*) Will the Hon'ble Member be pleased to state whether a person on an inquiry from the police may learn whether a particular person is a political suspect?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) Such a desire has been widely expressed.

(*ii*) This depends on the individual and on the circumstances of the case.

(*b*) It is not practicable to issue comprehensive instructions of the kind suggested, but local officers are expected to, and do, issue warnings when they believe them to be likely to be effective.

(*c*) This depends on the circumstances of each case.

Rai Bahadur KESHAB CHANDRA BANERJI: Is the Hon'ble Member aware of the fact that Mr. Grassby, as Additional Superintendent of Police, adopted this policy, namely of warning the parents of boys concerned before taking any action in the matter, and that that has proved to be a success?

The Hon'ble Sir ROBERT REID: I am aware of that, Sir.

Rai Bahadur KESHAB CHANDRA BANERJI: Are Government prepared to issue definite instructions to all officers concerned to adopt this as a policy in all cases?

The Hon'ble Sir ROBERT REID: I have given the answer to that, Sir, in (*b*).

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Non-Agricultural Lands Assessment Bill, 1936.

(At this stage, discussion on the above Bill was resumed.)

Amendment No. 44.

Mr. P. BANERJI: Sir, I rise to support the motion for deletion of clause 4(*c*) in which the market value of the land immediately before order under section 3 was made, is dealt with. It was pointed out yesterday that such a clause should not find a place in the Bill, because, as the Hon'ble Member said, no land revenue was intended to be charged under this Bill. The Hon'ble Member, while moving the motion for consideration of the Bill, wanted us to believe that it was not a taxation measure, and said that it was a machinery measure. To a lawyer, as the Hon'ble Member himself is, there might be a difference between a taxation and a machinery measure, but to us and ultimately to all, it will make no such difference. We must, therefore, judge things by their operation, by their effect, and not certainly by the technicalities of law. The Hon'ble Member has also said that this has nothing to do with the Tenancy Act, but it deals with the transfer of property. What is meant by transfer of property, I ask? He will at once say that persons are always bound by their agreements and contracts. But we have got to find out under what contracts persons have come into possessions of their lands, and to that we must refer to the Preamble to Regulation 7 of 1822, of which he made so much yesterday but which, I find, he has omitted in this Bill. That Preamble runs as follows:—

"Whereas a moderate assessment being equally conducive to the interests of Government and to the well being of its subjects, it is the wish and intention of Government, that in revising the existing settlement the efforts of the revenue officers should be chiefly directed, not to any general and extensive enhancement of the *jumma*, but to the objects of equalizing the public burthens, and of ascertaining, settling, and recording the rights, interests, privileges and properties of all persons and classes....."

Sir, that was the preamble. Members perhaps know that there has been an extensive enhancement of the *jama*. I want to submit to you whether in this particular case it is an extensive enhancement.

You will notice, Sir, in the second motion the Hon'ble Member in charge along with other members proposed the deletion of clause (*d*). Now, Sir, yesterday the Hon'ble Member said in the course of argument that whatever Dr. Naresh Chandra Sen Gupta said was senseless. (HON'BLE SIR BROJENDRA LAL MITTER: I did not say that.) He says that there will be a deletion of clause (*d*). I ask why there should not be a deletion of clause (*c*). If there is no deletion of clause (*c*), there is no point in moving for the deletion of (*d*). After the Bill was recommitted to the Select Committee, 4 per cent. has been reduced to 2 per cent. Of course, I do not make much of the difference of percentage, but you will know, Sir, that it is up to the Government and the Revenue Officers who will deal immediately with the cases to know what that difference means. Prices have gone up. Values of land have also gone up. Even if it be 1½ per cent., as it has been done recently in Wari, Nawabpur, Tantibazar, Gopalnagar —in all these places except in Wari the percentage of enhancement is over 1,000 per cent. Is that calculation based on 1½ per cent.? If the Hon'ble Member now comes forward out of *zid* or being fortified by a majority after "whipping" the members with a proposal to make it 6 per cent.—although in the original Bill it was 4 per cent., I would ask whether there is any sense in it. If it is argued that 6 per cent. should be accepted by the members of this House, then I would ask the Hon'ble Member why he does not follow the example of late Sir Provash Mitter, who carried his proposal in the teeth of opposition. I ask—is it logic, is it consistent with the statement he made? If he desires to stand by the original Bill, he must remember what was the fate of the original Bill. Therefore, as I have said, there is no sense in his argument. Perhaps, in the absence of the Hon'ble Member the rate was reduced to 2 per cent. but the Secretary must have obtained the Hon'ble Member's permission to accept that percentage. We now find that the Hon'ble Member differs from that view and wants to make it 4 per cent. As I have said, there is not much difference in the percentage. How was this figure arrived at? The figure is based on the valuation of the Collector. Lands in Wari have been valued at 6 to 7 thousand rupees per *bigha*; while in Nawabpur, Tantibazar and other places these lands have been valued at Rs. 20,000 per *bigha*. Therefore, you will notice that it all depends upon the valuation. I therefore say, what is the use of giving unnecessary trouble to these people and placing this matter in the hands of the Government officials, whom I have often described to be mostly irresponsible. That being the case and in view of the facts and figures I have placed before the House, is it not fair that the Hon'ble Member should accede to this amendment, that instead of fixing the rate on the valuation to base it not only on value but also on other circumstances. There are several amendments to that effect. Let it be doubled, trebled or increased four times and nobody would

object to it. Let the people know what will be done. I think, Sir, that members of the Select Committee were hoodwinked by the clever Secretary's agreement to 2 per cent. There is no meaning in that.

The next point I would submit to you, Sir, is that there seems to be a misconception in the minds of some of the members that Wari is affected, but that is not the case. It is not Wari alone but the whole of Bengal is affected. That being the case I put to the Hon'ble Member another point. He has said that he would give a concession to those persons—heirs or transferers of the original lessees. If that be done the result would be that the price of land would fall and there would no sales whatsoever. Then how is it that the people living in towns naturally must have their own houses? If this is done, a person will have no place in Calcutta or other places to live in. The original idea of Government was that beautiful towns would grow up and middle class *bhadralog* people would take lands to build houses. But poor people who go to the towns for work must have some places to live in. Therefore, it cannot be said or argued for a moment that towns will only be inhabited by people who will only own houses and others will have no concession whatsoever, that will be the ultimate result. As we know, in Calcutta the price of lands rose in some instances to Rs. 35,000 a *cottah* in Chowringhee and in Russa Road and in other places land was sold at Rs. 14 to 15 thousand per *cottah*, but what is the price now? Government lands at Porabazar are now being sold at Rs. 2,500 to Rs. 3,000 per *cottah*. The price of land has gone down considerably. But Government would not listen to any argument. This is a matter of fluctuation. The Rai Bahadur from Dacca has mentioned it but the Hon'ble Member would not listen to the argument. Just as it has happened in Calcutta the same will happen in Dacca, and the net result will be that the whole burden will fall on the general public. This is a side to the question which has got to be considered, but it has never been considered by the Hon'ble Member as he after all would not look to the difficulties of the people. He is here temporarily as a Member of the Government and does not foresee what the fate of the people will be. He will only look to the Government side and that has been the misfortune of this country. However much we had tried from this side of the House to impress upon the Government the necessity of doing the right thing Government are going in the wrong way. Sir, is that statesmanlike? I would submit as there is still time, the Hon'ble Member should rise to the occasion and without wasting any further time will accept the motion.

Mr. PRESIDENT: I have before me a short notice amendment of Dr. Sen Gupta under this sub-clause. I would now ask him to read it out to the House and then move it formally.

Short Notice Amendment.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that in clause 4(*c*) at the end the following words be added:—

"after deducting from it the capitalised value of the additional assessment proposed at 30 years' purchase."

Sir, in moving this amendment I would point out the position with regard to clause (*c*). I must say at the start that there is nothing inherently unreasonable or absurd in taking into consideration the market value of the property as one of the factors to be taken into consideration in the assessment. As a matter of fact, we have been talking in the air with regard to this, because what we are fighting about is more or less a shadow. These items (*a*), (*b*), (*c*), (*d*), etc., are not items of any practical value at all. I could have understood clause 4, if there were definite principles laid down according to which these factors would affect the assessment to be made. No such principle is laid down; all that has been laid down might have been left out of the statute and Government would nevertheless have the power to give instructions to their officers to assess on consideration of certain circumstances. The only object of putting it in the statute is to make it obligatory to give effect to certain principles and basis of assessment and that could only be made if it were said how the market value is to be taken into consideration, how the rent generally paid is to be taken into consideration and how the length of the period during which the tenancy is held is to be taken into consideration, whether for the purpose of increasing revenue inversely or directly, one does not know. Does it mean the longer the period the greater the assessment, or longer you remain on the land the less the assessment. If that has been made clear in this section I could have understood the provision of this clause. With regard to the principles various things have got to be considered. You are leaving it entirely to the discretion of the revenue officer subject to the rule making power of Government to decide one way or the other after considering or not considering or making a show of consideration of all these things. That gives no protection to the aggrieved; therefore the whole section is a mere eyewash. But what raises apprehension in the minds of the people is the fact that the market value of the land immediately before the order under section 3 is made is brought in evidently with the object as indicated by the next clause that a certain percentage of the market value would be the determining factor in making the assessment. In this section that would be the determining factor. If you read sub-clause (*d*) as amended by the Select Committee it provides for a maximum of 2 per cent. of the market value. The Government is not content with that and the

Hon'ble Member in his note of dissent asked for more and now he asks for still more and he is going to move an amendment for the deletion of that sub-clause altogether; that makes it even more objectionable. What he means is this; that the market value should be taken into consideration and the revenue officer is to be instructed to assess rent at a certain proportion of the market value ordinarily after making any deduction or after making any increase to that having regard to the other circumstances referred to in this clause. If these other circumstances do not materially alter the rate the rate would be the percentage fixed by Government upon the market value. Well and good. The rate is proposed to be 2 per cent. which is extremely high in the case of some of the properties as has been shown over and over again. For the Wari and Nawabpur properties the rate would work out to an enormously high figure but the Government is not content with that.

Then there is another thing to consider; supposing the market value is to be based on the market value on which the order is made at a rent of Rs. 100 to-day the people will naturally expect that the rate will not be increased beyond a reasonable limit. Let us say that the market value of the property is Rs. 5,000 when the order is passed or say Rs. 10,000, and on the basis of that Rs. 10,000 at 2 per cent. the rate is fixed and the rent is increased; at once the market value of the property goes down and if the increase is even more the market value falls still further. In the case of a Wari property which was worth Rs. 20,000 if 4 per cent. was the original rent the decline in the price would be absolutely nominal but the property worth Rs. 10,000 on the basis of 6 per cent. would not be worth anything like that on a rent of Rs. 100. That being the position what does it count. A property which is assessed on the value of Rs. 10,000 becomes immediately afterwards worth not more than Rs. 4,000. You are taking a percentage of the market value as the data of assessment; that is not fair. What I suggest therefore in this amendment is that the market value will be taken into consideration after deducting therefrom the capitalised value of the increased assessment. Even that does not deal out complete justice. The thing is very easily done and it is easy to work out a formula by which it will be possible to fix the assessment for the holding. Let us say the market value of the property is Rs. 10,000 and the proposed increase in rent is Rs. 100. At 30 years' purchase that would be Rs. 3,000. Deduct this Rs. 3,000 from the market value and rent upon that. To work it out completely would require complicated mathematical formulæ but the formulæ may be easily worked out. You leave it in the rules and the thing will be easy to work. The lands would be assessed then approximately upon the market value of the property as it would be after the increased assessment. I do not see any reason why that should not be the basis of assessment. You proceed to assess all lands

on the basis of a market value of them which is entirely fictitious. It is hundred time or two hundred times the original valuation. The moment you assess the value goes down. That is one of the facts which has to be taken into consideration under one of the sub-clauses of the section. Therefore I propose that if we assess on the basis of market value it should be the market value after deducting from it the capitalised value of the rent after assessment.

Mr. S. M. BOSE: I have to oppose amendments 44 to 47. Mr. Banerji in moving his amendment made certain astounding statements. He said that the Select Committee had been hoodwinked but I deny that. I believe he was not a member of the Select Committee and the statement is unfounded. He further stated that in the Select Committee Government accepted 2 per cent. That also is equally incorrect. I cannot understand why this sub-clause has been objected to. Would not the market value of a land be taken into consideration by an ordinary land-owner? Here Government is in a position of an ordinary land-owner making a contract when the lease has expired. Would not any ordinary person holding land when settling with an old tenant or a new tenant take into consideration the market value of the land?

Rai Bahadur KESHAB CHANDRA BANERJI: A private landlord is debarred from enhancing rent under the law in any way he likes.

Mr. S. M. BOSE: I deny that statement; it is incorrect. Under the Transfer of Property Act which governs all transfer of property outside the Bengal Tenancy Act a landlord is free to enter into any bargain he likes. He may ask for any rent he likes, but if the tenant does not agree he goes out and it is incorrect to say as my friend Rai Bahadur Keshab Chandra Banerji has just now said that there is a limit. There is none.

I agree with Dr. Sen Gupta. He thinks that the whole of clause 4 might have been omitted. That is so. But here is no such motion. If the whole of clause 4 were dropped it would be entirely at the sweet will of the Government officer as to what the rate should be. The object of clause 4 is to lay down certain rules and if clause 4 stands sub-clause (c) should stand. People have always been talking of Wari property; that has been our obsession. There are hundreds of estates besides Wari, to whom this Act will apply but we always talk of Wari and I think that analogy is wrong.

Maulvi ABUL QUASEM: I had no desire to participate in this debate but for the remark which Mr. P. Banerji has made. I happened to be a member of the Select Committee. In paying a compliment

to the Revenue Secretary he paid us quite the opposite. He described the Revenue Secretary as a very clever man who hoodwinked the members of the Select Committee. I agree that the Revenue Secretary is extremely clever but I disagree with him when he said that we were hoodwinked by the Revenue Secretary. Without giving out any secret of the Select Committee I may tell the House that this question was gone into very carefully by the Select Committee from all practical points of view. Arguments were placed before the members of the Select Committee for which there was no answer and every one was apprehensive that the revenue officer might make such an imposition that it would be impossible for the tax-payer to bear. I think the assumption is wrong. I do not think that Government is out simply to look to their own interests and not to the convenience and capability of the tenants who will be affected. Supposing this Bill were not enacted into law what would be the present position? Would it be satisfactory to the people? The present state of law leaves the whole position uncertain; it gives power to the revenue authority to impose any rent it likes. Here it lays down certain principles for the guidance of the revenue officer. We are losing sight of temporarily settled estates which are going to be assessed. We do not lose sight for a moment of the fact that we are not dealing with permanently settled estates. If after a period Government have to review the position as regards the imposition of a tax anew, whatever factors are relevant to arrive at an equitable figure so far as the tenants are concerned have been set down in this particular clause. Mr. S. M. Bose rightly remarked that if you want to delete clause 4 that would be intelligible but there is no such motion before the House. If the market value is left out altogether we leave out of consideration the most vital point. I think if Government lays down that there should be a limit beyond which the revenue authority would not be allowed to go I for one would support the proposal of Government wholeheartedly. We were told in the Select Committee that such a thing was not possible; it would be tying down the hands of the revenue authority and it would not probably be advantageous to the people who would be affected. This Bill provides for appeals to two higher authorities and I think those people who are feeling apprehensive are losing sight of the fact that Government is going to change very soon. The Government is going to be responsible to the people and if the revenue authorities are so oblivious of the position as to impose an amount of tax which it will be impossible for the people to pay there will be such a clamour as to make their position impossible. I think such an imposition would be impossible. I feel that there is an apprehension in the Dacca people that they would be affected by this Bill. But there is bound to be a revenue officer who might be inclined to look at this problem sympathetically in order to receive his promotion. In future this officer will have to look to the Government, I mean the Government responsible to the

people, for promotion; in order to satisfy that Government he will have to satisfy the public with every action of his. I have every sympathy with the apprehension of the people of Dacca and if Government found it possible to lay down a maximum beyond which the revenue authority could not proceed I would have welcomed it but that is not possible; so I ask my friends not to press for the amendment of the clause which is possibly to the advantage of the people concerned.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, will you permit Mr. Kindersley to deal with the short notice amendment, and I shall deal with amendment No. 44?

Mr. PRESIDENT: Very well.

Mr. SARAT KUMAR ROY: Sir, Dr. Sen Gupta has moved a short notice amendment, but I find there is a similar amendment (item No. 54) down in the list. In my opinion it would have been better if we had waited to discuss this question till we came to item No. 54. However, what Dr. Sen Gupta has suggested, I think that would make a significant reduction in the market value of the land. Take, for example, a holding fetches Rs. 20 per *bigha* as rent. Now, 30 times 20 will be 600. Now where the valuation becomes Rs. 10,000, the amendment seeks only to deduct 600 from 10,000, it will still be a very large sum. So that what Dr. Sen Gupta proposes is a small proportion of the valuation that Government will have to deduct. Having seen this, I beg to support the amendment moved by Mr. P. Banerji that sub-clause (*a*) of clause 4 be omitted.

The Government owns considerable *khas* property in the city of Dacca. The lands of these *khas mahals* lie mostly in Nawabpur, Tantibazar, Goalnagar, Kaltabazar, Nawabganj, Gridha Killa and other *mahallas*. There the tenants have got their residential houses from time immemorial. They are not used for commercial purposes and in fact there is no commercial concern, such as godowns, factories, etc., in the *khas mahal* properties in the town of Dacca. These *khas mahals* were originally permanently settled estates or *taluks* held by private proprietors who paid fixed revenue to the Government.

Mr. J. B. KINDERSLEY: The Bill does not apply to permanently settled estates at all.

Mr. SARAT KUMAR ROY: These properties I am referring to formerly belonged to permanently settled estates. They no longer lie within the permanently settled estates. The private proprietors of these and other *taluks* let out the lands on liberal conditions to tenants. The lands were at one time full of *dobas*, ditches and other insanitary pits and in course of time the tenants and their successors in interest

filled up these ditches and pits, made solid improvements of the land and built thereon substantial structures at heavy costs to themselves; but the landlords—the private proprietors and after them the Government—have not spent a single farthing for these improvements. Many such permanently settled estates fell in arrears of revenue and were sold in auction for realisation of those arrears and Government purchased them at the revenue sale between 1831 and 1834. So, this change of ownership from private persons to the Government took place more than a century ago.

As for Wari estate *khas mahal* No. 8620 which is a quite different estate, it was acquired by the Government long after the Permanent Settlement, and here there were only a few tenants induced by the Collector in 1888 under leases with special conditions. There are now more than one thousand tenants in *khas mahal* lands other than the Wari estate in the town of Dacca who will be highly prejudiced by the enactment of this provision. They will be forced to surrender their ancestral hearth and home as a result.

On an examination of the records of these *khas mahal* lands we find that from the time of private proprietors up to 1915-16 there were four revisions of assessments of rent at long intervals, and there were small increments only on such occasions, ranging between one anna to four annas in the rupee, —if an average is struck out it will be below three annas in the rupee; the present existing average rent is Rs. 20 per *bigha* or thereabout. Of course there were no exchange of *pattas* and *kabuliyats*. The tangible use to which these tenures are put is residential. They are all poor people, Hindus and Muhammadans, and practically there is no middle man and they are all direct tenants of the Government. The tenants in the neighbourhood of these *khas mahals* holding permanent leases under private landlords and who have built substantial structures thereon pay a much lower rate of rent i.e., about Rs. 4 to Rs. 10 per *bigha*, while the Collector of Dacca is now demanding Rs. 200 to Rs. 500 per *bigha*, for example, 2 and 3/4 *kattas* of *khas* land at the Nawabpur have been assessed at Rs. 77 in place of Rs. 3-13; that is to say the rent will go up from about Rs. 24 per *bigha* to about Rs. 500 per *bigha*. Sir, the effect will be surely ruinous. The Hon'ble Member in charge is obsessed with Wari estate paying Rs. 6 per *bigha* leased out for certain purposes, but he is not thinking of tenants of other *khas mahals*, such as Nawabpur, Tantihazar, Girda Killa, etc., who are already paying between Rs. 20 and Rs. 25 per *bigha*. The lands in some parts of these *khas mahals* have been arbitrarily valued by the Collector at so high as Rs. 15 to 20 thousand per *bigha*, but only Rs. 7,000 per *bigha* in Wari estate. If rent is assessed on such like market value, I am afraid tenants will have to give up their lands as they will have to pay rent at the rate of Rs. 800 per *bigha*. The sanctity of the hearth and home of the tenants ought to be respected.

Mr. J. B. KINDERSLEY: Sir, may I reply to Dr. Sen Gupta's short notice amendment? I should like to read the amendment so that the House may know what it is. It will read "the market value of the land immediately before the order under section 3 is made, after deducting from it the capitalised value of the additional assessment proposed at 30 years' purchase." I think mathematical calculations will show that Dr. Sen Gupta's amendment would impose taxation on the rest of the province for the benefit of the people of Dacca!!! Well, imagine that the market value of the land is Rs. 10,000 per acre, but the existing rent is Rs. 6. Taking Government's figure at 4 per cent. of the market value, the new rent will be Rs. 400. Deducting Rs. 6 from Rs. 400 you get Rs. 394. Multiply 394 by 30 and you get 11,820. So instead of realising rent we shall have to pay the tenant some rent. Now take a case where the rent paid instead of being Rs. 6 is 100. The new assessment is Rs. 400. The capitalized value of difference between the old and the new assessment at 30 years' purchase is 30 × Rs. 300 or Rs. 9,000. Deducting 9,000 from 10,000 we get 1,000 and 2 per cent. of one thousand is 20; so Government will then lose Rs. 80 per annum according to Dr. Sen Gupta's method of assessment. I do not think that anybody in the House has attempted to prove that the existing assessment is excessive. I should be surprised to learn that Rs. 6 at Wari is excessive. I think the House will agree with me that Dr. Sen Gupta's amendment should be opposed.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I shall deal with amendment No. 44. That was moved by Rai Bahadur Keshab Chandra Banerji yesterday and Mr. P. Banerji spoke in support of it. In dealing with this amendment I should like to draw the attention of the House to the existing law. In the case of temporarily settled estates, when the tenancy comes to an end, what is the position? Under the Transfer of Property Act, section 108(*q*) says, on the determination of the lease the lessee is bound to put the lessor in possession of the property. Take the case of a Wari lease. The Wari lease will expire in 1938. It was given for 50 years in 1888. In 1938 the lessee would ordinarily be bound to return the land to Government under the general law. But, under the Wari contract the lease is renewable. I am reading from the Government Estates Manual of 1932. The Wari lease is given there. Clause 2 says that the term of the lease shall be 50 years. The lessees or their heirs, representatives or assigns will be entitled to hold the land on payment of such rent as may be fixed by Government at the time when the aforesaid term expires. That means that in 1938, by acceptance of whatever term Government offers, they would get a renewal of the lease. If not accepted, then the Transfer of Property Act comes into operation. They would be bound to surrender the land. That is the position. Thus, under the existing law, Government can dictate any terms and charge any rent at the time of resettlement for the purpose of renewal. The lease itself says that the lessee will be

entitled to hold the land on payment of such rent as may be fixed by Government at the time when the term expires. So, Government's hands are free. By this Bill I am restricting the freedom of Government limiting the right of Government by certain considerations. Now, Sir, if the Government's hands be free, then, rules 216 to 219 of the Government Estates Manual will apply. In these rules it is laid down that "in giving a long term lease, *salami* should be charged at the initial settlement." But we are not thinking of the *salami* at all. Further, it is laid down in the rules that "the rate should vary according to local conditions. A good working rule would be to fix the *salami* at from 20 per cent. to 40 per cent. of the capital value, and the rent at not less than 2 per cent. of that value." That is, 2 per cent. comes in when the *salami* is given. "When the *salami* is low, the rent should be correspondingly high. When no part of the value is taken as a premium or *salami*, the full rent obtainable may be taken as 6 per cent. of the capital value." Now, that is the existing law which Government applies to Government estates. If this Bill is not passed and if we are left where we are to-day, Government in offering terms to the lessees for renewal would say, take the capital value of the land and pay 6 per cent. of the capital value. If the tenant takes it, well and good; if he does not, then he has got to surrender the land; that is the existing law. But what we are proposing in this Bill is that the existing law operates harshly and therefore we should take all relevant factors into consideration and come to an equitable conclusion. The relevant factors are the existing rent and the period during which it has remained without enhancement, the rent generally paid to the Government or to any other landlord for non-agricultural lands with similar advantages or of a similar description in the vicinity; the market value of the land immediately before the order under section 3 is made; the rent which would be payable if it were fixed at 4 per cent; (the Select Committee have now made it 2 per cent. of such market value), the special conditions and incidents, if any, of the tenancy, and lastly, any cost incurred in making improvements. All these are relevant factors in ascertaining what should be the fair and equitable rent of the land.

What the amendment of Rai S. K. Das Bahadur says is this: take everything else into consideration but for heaven's sake do not take the capital value into consideration. Why not? These are relevant considerations. A prudent owner when dealing with his own property would naturally try to find out, if he were to sell the property and invest it in Government securities, how much it would fetch. Well, if a prudent owner would take capital value into consideration, why should not Government who are managing these estates for the benefit of the people of Bengal do so? Government would be failing in their duty if they were not to take the capital value into consideration. This capital value seems to have alarmed certain members of this House a little too

much and they seem to think that 2 per cent. or 4 per cent. or whatever it is, of the capital value is going to be the rent in all cases. I say, Sir, that is not going to be the rent, because under this section Government is not fixing the rent at all. The Collector will have to take various other factors into consideration; one of the factors is the special conditions and incidents, if any, of the tenancy.

In the Wari lease there is a special condition and I shall read that condition just now. Clause 4 of that lease says—"the lessee shall within four years from the date of the execution of the lease build for purposes of residence a house of a value of not less than Rs....." That is one of the special conditions—that the lessee should within a certain time have to build a house of a certain value. Now, in clause 4 (*dd*) we have provided that the special conditions and incidents, if any, of any tenancy have to be taken into consideration. Then again, in 4(*e*) we have provided that any improvement made at the cost of the lessee should be taken into consideration. Now, these various considerations are expected to lead to an equitable result, and that is our objective. Our objective is not to exact a 2 per cent. or 4 per cent. or 6 per cent. of the capital value. Our objective is not to exact so many times of the existing rent but our object is to secure public revenues by taking every relevant factor into consideration and come to a conclusion as to a fair and equitable rent and then fix that rent. That, Sir, is the Bill. The Bill does away with the absolute freedom which the existing law gives the Government. It ties the hands of the Collector by various considerations and all for the benefit of the tenants. Every one of these considerations is for the benefit of the tenants. We have gone further; in the case of *bona-fide* residential houses we have made a generous concession in a subsequent clause. When we come to that clause I shall discuss it. But supposing we are not talking of residential houses, but houses built in terms of the lease and these houses are being treated for commercial purposes, *e.g.*, as shops. If that be so, if the price has gone up and the capital value has gone up to so much as 6,000 or 7,000 rupees and if the tenant is getting the full value of that capital value of the land, why should not the Government get their share of the rise? No concession is called for in a case like that. The advantage of that capital value may be taken by the lessee himself, but when it comes to the turn of Government to take that into consideration along with other factors, then, the cry is raised—"oh you are going too far and are being oppressive to the tenants: you are going to turn them out," and so on. Nothing of the sort. Government do not want to oust the tenants from their houses. They want to keep every one of them in his land. But at the same time Government do not want to be bullied into a position in which the lessees would pay a ridiculously low rent when these lands have gone up considerably in value and the tenants are deriving the full benefits of that rise in price.

Dr. NARESH CHANDRA SEN GUPTA: May I rise on a point of information, Sir. Will the Hon'ble Member tell us whether the rule which he has read applies at all to the renewal of leases?

The Hon'ble Sir BROJENDRA LAL MITTER: Yes, the rule that I have read out applies to the original lease as well as to the renewal thereof.

The motion of Rai Satyendra Kumar Das Bahadur being put a division was taken with the following result:—

AYES.

Ali, Maulvi Hassan.
Banerji, Rai Bahadur Kochab Chandra.
Banerji, Mr. P.
Barma, Babu Promhari.
Chaudhuri, Babu Kishori Mohan.
Chowdhury, Maulvi Rural Absar.
Das, Rai Bahadur Satyendra Kumar.
Fazlullah, Maulvi Mahammad.
Ghose, Dr. Amulya Ratan.
Guha, Babu Profulla Kumar.
Hoque, Kazi Emdadul.
Maiti, Mr. R.
Mitra, Babu Sarat Chandra.
Mullick, Mr. Kartick Chara.
Nag, Rai Bahadur Suh Lal.
Poddar, Mr. Ananda Mohan.
Rahman, Maulvi Azizur.
Rai Mahasai, Manindra Deb.
Ray, Mr. Shanti Shekhareswar.
Rout, Babu Nocoal.
Ray, Mr. Saileswar Singh.
Ray, Mr. Sarat Kumar.
Sahana, Rai Bahadur Satya Kinkar.
Sen Gupta, Dr. Naresh Chandra.
Singha, Raja Bahadur Bhupendra Narayan, of Rashipur.

NOES.

Armstrong, Mr. W. L.
Bahsh, Maulvi Syed Majid.
Bal, Rai Sahib Lalit Kumar.
Bass, Mr. S.
Blandy, Mr. E. R.
Bose, Mr. S. M.
Chaudhuri, Khan Bahadur Maulvi Hafizur Rahman.
Chaudhuri, Dr. Jogendra Chandra.
Choudhury, Maulvi Yusuf Hossain.
Cohen, Mr. D. J.
Cooper, Mr. H. G.
Das, Babu Saruprasad.
Das, Rai Bahadur Kamini Kumar.
Dutt, Mr. G. S.
Edgley, Mr. R. G. A.
Elcock, Mr. James.
Farequi, the Hon'ble Nawab Sir Mohiuddin, Kt., of Ratanpur.
Gilchrist, Mr. R. N.
Gladding, Mr. D.
Graham, Mr. M.
Griffiths, Mr. Charles.
Guha, Mr. P. N.
Haque, the Hon'ble Khan Bahadur M. Azizul.
Hosain, Mr. F. T.
Hooper, Mr. G. G.
Hossain, Maulvi Muhammad.
Jenkins, Dr. W. A.
Khan, Maulvi Abi Abdulla.
Kinderaley, Mr. J. B.
Lesson, Mr. G. W.
Mitter, Mr. S. C.
Mitter, the Hon'ble Sir Brojendra Lal.
Mollah, Maulvi Maslam Ali.
Mukhopadhaya, Rai Sahib Sarat Chandra.
Nag, Reverend S. A.
Nazimuddin, the Hon'ble Khwaja Sir.
Porter, Mr. A. E.
Qasem, Maulvi Abul.
Ray Chawdhary, Mr. K. C.
Reid, the Hon'ble Sir Robert.
Roy, the Hon'ble Sir Bijoy Prasad Singh.
Ray Chaudhuri, Rai Bahadur Hem Chandra.
Sadeque, Maulvi Mahamed.
Sassoon, Mr. R. M.
Sen, Rai Bahadur Bris Chandra.
Stevens, Mr. H. S. E.
Studd, Mr. Eric.
Walker, Mr. J. R.
Walker, Mr. W. A. M.
Whitehead, Mr. R. B.
Woodhead, the Hon'ble Sir John.
Wordsworth, Mr. W. C.

The Ayes being 25 and Noes 52 the motion was lost.

Short notice amendment of Dr. Sen Gupta.

The motion that in clause 4 (*c*) at the end the following words be added:—

"after deducting from it the capitalised value of the additional assessment proposed at 30 years' purchase"

was then put.

A division was claimed.

After the assembling of members the motion was again put and lost.

Mr. PRESIDENT: I must complain that 5 minutes' time has been wasted for nothing.

I have been requested by the Hon'ble Member in charge of the Bill to take his amendment No. 53 before No. 52. I think there is no objection to this being done.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to move that in clause 4 (*d*), in line 3, for the word "two" the word "four" be substituted.

Sir, it may in the recollection of members that the first report of the Select Committee had inserted 4 per cent. of the capitalised value; the second Select Committee reduced it to 2 per cent. I want now to restore it to what the first Select Committee did. I move my motion.

The motion was then put and agreed to.

Mr. PRESIDENT: Amendments Nos. 55, 56 to 58, 58A and 59-60 relate to clause 4 and all of them contemplate to add provisos to the clause. These amendments may be dealt with together and we may have one discussion on them. I shall, of course, put them separately.

Babu PREMHARI BARMA: Sir, I beg to move that to clause 4, the following provisos be added at the end, namely:—

"Provided that the fair and equitable rent settled by the Revenue-Officer in respect of land, held by the tenant with or without a lease and used for residential purposes, either by actual occupation or by letting it out, shall in no case exceed hundred per cent. of the existing rent:

Provided further that rent settled under section 4 shall not be enhanced during a period of not less than thirty years."

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I am prepared to accept the second proviso proposed by the mover, provided it will satisfy him and he does not move the first part. If the mover will accept my suggestion, then the second proviso may go without contest. But if he moves the first part, then I shall oppose his whole motion.

Babu PREMHARI BARMA: Sir, I regret that I am unable to accept the Hon'ble Member's suggestion. I would stick to my motion.

Sir, by the enactment of this legislation Government proposes to settle fair and equitable rents of non-agricultural lands in temporarily settled estates and in the estates which belong to the Government or are held *khas* by the revenue authorities. But, Sir, the criteria by which the revenue authorities will estimate rents in these estates are such as will put no limit up to which the existing rents may be enhanced. One of the criteria is the market value of the lands. I think, Sir, that this is the first instance in the annals of assessment of rents that the market value has been taken as a criterion by which rents should be assessed. In the case of lands used for residential purposes some concessions in the form of rebate of not less than two-thirds of the difference between the estimated rents and the existing rents are proposed to be made by clause 10A of the Bill. But I think by this rebate also rents of lands used for residential purposes will be enormously enhanced and it will be extremely difficult for the tenants to pay these abnormally enhanced rents. Most of the tenants have ancestral houses. If the rents of these houses are enhanced all on a sudden and to an abnormally high extent, is it possible that the tenants will be able to pay the enhanced rents. I understand that there are many tenants who have ancestral houses but they are at present in poor and straitened circumstances. If the rents of these tenants are abnormally increased they will have no other alternative than to leave their ancestral houses. I therefore appeal to the Hon'ble Member in charge of the Bill and the Government to have compassion upon the poor tenants who had been living in their ancestral houses. Sir, had the enhancement been gradual people would not have felt it much. The Government had been sleeping so long and did not take any practical steps to enhance the rents. Now the Government has come with this drastic measure to enhance the rents abnormally and all on a sudden. Government want to compensate by this piece of legislation losses Government had incurred by not enhancing the rents so long. Under the circumstances it is fair and proper that some limit should be put up to which rents shall be liable to be enhanced in cases of lands held by tenants with or without a lease and used for residential purposes either by actual possession or by letting them out and by this amendment I propose that in no case rents of lands used for residential purposes should exceed hundred per cent. of the existing rent.

Then again, Sir, there should also be a time limit during which rents once enhanced should not be enhancible. If such time limit is not provided in the Act, Government may at any time, say after only ten years, ask the tenants to accept fresh enhancement. So I also propose that rents once enhanced should not be liable to be enhanced during a period of not less than thirty years.

With these words I commend by motion to the acceptance of the House.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I rise to support the amendment. The object of this amendment is to exempt residential houses from unconscionable assessment. With regard to clause 4 we agreed to the retention of the provision in the original Bill regarding assessment at 4 per cent. on the market value as the maximum, because we thought that it would not be unreasonable to assess at that rate lands which were used for commercial purposes but so far as the residential houses are concerned, and the number of such houses is not small, at any rate in the town of Dacca, I think these should be exempted from the operation of clause 4. There are many buildings standing on *Khas Mahal* lands which are used as dwelling houses by a large section of the people. As I said the other day, there are instances to show in which a house has been in the occupation of the original lessee and his successors for nearly 50 years, and in some cases it is found that after the death of the original lessee and his son or his grandson, a poor widow happens to be the owner of the house and her only source of income is the meagre rent she gets by letting out the house. In such a case the amount assessed at 4 per cent. would be considerable and it would not be possible for the lady to bear this increased burden of taxation in addition to the municipal rates and other obligatory charges which she is called upon to meet.

The second proviso, namely, provided that rent estimated under section 4 shall not be enhanced during a period of not less than thirty years——

The Hon'ble Sir BROJENDRA LAL MITTER: I accept it.

Rai Bahadur KESHAB CHANDRA BANERJI: With regard to the first, I have already made my submission; the Hon'ble Member will earn the everlasting gratitude of the poor *Khas Mahal* tenants if he accepts the proviso also. It is a very reasonable and modest demand and I do not think, there should be any hesitation in accepting it. The Hon'ble Member does not perhaps realise the difficult circumstances under which the *Khas Mahal* tenants have to live in the *mufassal*. So far as the Wari quarter in the town of Dacca is concerned, the former Collector Mr. Stuart is reported to have threatened the tenants with ejectment by force unless they agreed to pay rent at enhanced rates. His attitude was arbitrary as he could not do so without going through the usual legal procedure. That shows how an overzealous and

whimsical officer may harass the tenants by assessing the maximum rent. That is why we want to exempt the residential houses from the operation of this section. We have no objection to an increase of 100 per cent. namely, double the rent which they are paying at present. It may be argued that in the event of land value going up in course of time, the tenant will only have to pay double the present rate of rent. I admit that it may be so, but there is no provision in the Bill to grant a corresponding abatement in case of reduction of the market value. As I said yesterady, the market value of Wari lands has already been assessed at Rs. 7,320 per *bigha* by the Collector long before the Bill has been placed on the Statute Book, and if this Act comes into operation after a year or more and in the meantime the market value goes down, the poor tenants will get no reduction whatsoever. That is a position which we cannot support. For this and other reasons, I request the Hon'ble Member to reconsider the question and grant the concession asked for.

With these words, I support the amendments.

Mr. PRESIDENT: Mr. Roy, are you going to move your amendment No. 63?

Mr. SARAT KUMAR ROY: No, Sir, I want to support this amendment.

Sir, will you allow me at this stage to move a short notice amendment although I have no right to do so; that these two paragraphs be taken separately.

Mr. PRESIDENT: When I put in the motion, you may make that request.

Mr. SARAT KUMAR ROY: Then may I speak on this motion?

Mr. PRESIDENT: Yes.

Mr. SARAT KUMAR ROY: Section 4 of the Bill no doubt provides that in settling fair rents under this Act, the Revenue Officer shall be bound to take into consideration certain relevant matters which are likely to supply the proper bases for fair rents. But the law is silent as to what extent the Revenue Officer is to be guided and controlled by them. And the Bill nowhere lays down the limit to which the assessment may go up. So the existing rents may be enhanced by the Revenue Officer up to any extent, if the data supplied by the factors justify a high assessment. But it ought to be admitted that an

undue enhancement will operate very harshly on the tenants, and I do not think that where the enhancement shall be as much as even several hundred per cent. of the existing burden, it will be anything like equitable.

Sir, during the last 30 years, we have heard persistent clamour from the well wishers of our tenants for curtailing the rights of landlords to enhance rents of their tenants even when such enhancements are amply justified, and we are always told that undue enhancements are unfair. And the Government has always lent its support to their persistent complaint against enhancements. But I am surprised to find that when the same benign Government stands in the position of a landlord, the policy is abandoned, and by this Bill the Government now seeks to confer upon Revenue Officers power to enhance rents practically to an unlimited extent. Under the Bengal Tenancy Act, a landlord cannot enhance the rent of his tenant at a time by more than 12½ per cent. of the existing rent. Any contract to the contrary is not enforceable against the tenant and the law ignores a demand for enforcing it. Then again, Sir, under the Bengal Tenancy Act there cannot be any fresh enhancement within 15 years of a previous enhancement. So the established law of our country regards two cardinal principles—where the question of enhancement arises—namely, that such enhancement should not exceed a certain percentage of the existing burden and that a repetition of such enhancement must not come within a definite period of time.

Sir, if you look to the legislative enactments of our sister province of Assam, you will find that a similar policy has been adopted in the laws regulating the assessment of temporarily settled areas in that province. The legislature has put there and laid down a maximum limit to which the enhancement of rents may go up and also the period for which a further enhancement must be postponed. And, Sir, such limits of enhancement always bear a definite proportion of the existing rent. But our present Bill provides for no such limit at all. Clause 4 of the Bill which deals with the method of estimating fair rents no doubt directs the Revenue Officer to take into consideration the existing rent. But it nowhere says that the enhanced rent or the fair rent shall bear a definite proportion of such existing rent and neither the Bill fixes the maximum limit for such enhancement. Then again we must not forget that if you enhance the rent of tenants abnormally on the ground that the present market value has gone up, it will not only tell seriously upon the resources of the tenants and therefore be unfair, but it will at the same time lower down such market value of the land assessed. It will be really unjust to continue to realise such enhanced rent when such market value comes down and the assessment will surely be inequitous, particularly because such market value had formed the basis of such enhancement. For all these reasons I submit

that the law should provide for a limit to which such assessment or the enhancement of any existing assessment may go up.

Sir, it need hardly be pointed out that the fact that the Government stands here in the position of a landlord, should not make any difference in the law which we would pass. And I hope that the Government would be satisfied with the law we pass if it would enable them to enhance the existing rents of their tenants by even so much as 100 per cent. at a time. And that ought to suffice, seeing that in the case of private landlords the same Government do not allow enhancement by more than 12½ per cent. of the existing rent at time.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I oppose this amendment. The figures will show the ridiculous nature of this amendment. It is the case of the opposition members that the value of the land there is Rs. 7,000 per *bigha*, and I suppose the tenant has spent Rs. 3,000 in building. Therefore, Rs. 10,000 is the capital value. Certainly a man will expect 4 per cent. on his investment. So, he gets Rs. 400 by letting out, because this amendment is not confined to the owners residing there. It says "for residential purposes either by actual occupation or by letting it out." I am taking the "letting out" portion. He lets out and gets Rs. 400, and the amendment is that Government may not take more than Rs. 12. This shows the ridiculous nature of the amendment. I oppose it.

As regards the second part of the amendment, I am still willing to accept it, and, if necessary, with your leave, I shall move a short notice amendment.

Mr. PRESIDENT: I propose to split up the amendment into two parts. Do you agree, Sir Brojendra?

The Hon'ble Sir BROJENDRA LAL MITTER: Yes.

Mr. PRESIDENT: I shall put the first part first.

The motion that to clause 4, the following proviso be added at the end, namely:—

> "Provided that the fair and equitable rent settled by the Revenue Officer in respect of land, held by the tenant with or without a lease and used for residential purposes either by actual occupation or by letting it out, shall in no case exceed hundred per cent. of the existing rent."

was put and lost.

The motion that to clause 4, the following proviso be added at the end, namely:—

"Provided that rent estimated under section 4 shall not be enhanced during a period of not less than thirty years."

was then put and agreed to.

The motion that clause 4, as amended, stand part of the Bill was then put and agreed to.

New clause 4A.

Mr. P. BANERJI: I beg to move that after clause 4 the following clause be added, namely:—

"In considering the rents generally paid by the tenants in the vicinity, such rents as were fixed under abnormal circumstances should be left out of consideration."

Sir, in the beginning I made the submission before you that while fixing this rent the Revenue Officer will generally take into consideration the existing rent, but as I pointed out that sometimes, especially during the booming period, the price of land was very high and generally the Revenue Officers took that into account in fixing the rents. But it is quite possible that there is a fluctuation in the price of the land, and this should naturally be taken into consideration in fixing the rent. Therefore, unless there is such a clause in the Bill as suggested by me, there will be nothing to guide the Revenue Officers in this direction. They will always be under the impression that when an assessment is to be made, the rent must be enhanced. Therefore, I have brought forward this amendment for the acceptance of the Hon'ble Member in charge.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I accept the principle of the amendment, but I appeal to my friend to consider whether it is necessary. If he will look at clause 4 (*b*), he will find that the Select Committee added the word "generally"—the Revenue Officer shall take into consideration the rent *generally* paid to the Government or to any other landlord for non-agricultural lands with similar advantages or of a similar description in the vicinity. That word "generally" shows that it is not abnormal circumstances which are to be taken into consideration but what is generally done. We shall issue executive instructions that abnormal circumstances are not to be taken into consideration but what is generally done in normal circumstances. That will be the executive instruction, and I think the word "generally" will cover normal circumstances and exclude

abnormal circumstances. If my friend accepts that I hope he will withdraw his amendment.

The amendment was then, by leave of the Council, withdrawn.

Clauses 5 and 6.

Mr. PRESIDENT: Amendments Nos. 68 and 74 are consequential on amendment No. 22 which has been thrown out, so these do not arise.

The motion that clauses 5 and 6 stand part of the Bill was then put and agreed to.

Clause 6A.

Mr. J. B. KINDERSLEY: Sir, I think this amendment is consequential on amendment No. 22 and those connected with it which were thrown out by the House, because this is a question of incorporating the rent-roll with the record-of-rights when the rent was not settled. Therefore, the amendment does not arise.

The amendment was not moved.

Mr. SARAT KUMAR ROY: I formally move that in sub-clause (3) of clause 6A in line 2, after the words "shall cause" the words "the Roll with" be inserted.

Mr. J. B. KINDERSLEY: Sir, I oppose this amendment because I do not think the hon'ble member who has moved it has quite understood the provisions of this Bill. What he suggests is that sub-clause (3) of clause 6A should read as follows:—

"After confirmation by such authority the Revenue Officer shall cause the Roll with the date of confirmation to be published in the prescribed manner, etc. etc."

The roll consists of estimates and not of rents, and therefore what the Bill provides is that the roll shall be open for inspection at such places and times as may be prescribed. But what is necessary is that the date of confirmation of the roll shall be published and made known to the people. I therefore oppose the amendment.

The amendment was then put and lost.

Mr. SARAT KUMAR ROY: I beg to move that after sub-clause (3) of clause 6A, the following new sub-clause be added, namely:—

"(4) After the period prescribed for inspection of the roll, the Revenue Officer shall incorporate the same into a record-of-rights and finally publish the same in the prescribed manner and for the prescribed

period and every entry in a record-of-rights finally published under this Act shall be evidence for the matter referred to in such entry and shall be presumed to be correct, and shall be binding as between the parties concerned."

Mr. J. B. KINDERSLEY: On a point of order, Sir. This amendment is consequential on amendment No. 22 which was thrown out. As we have thrown out the question of settling rents, the rents as recorded in the roll cannot be binding on the parties concerned. The hon'ble member moved previously in amendment No. 22 that for the word "estimate" the word "settle" should be substituted, and that was thrown out. If the rent is only estimated and not settled, you cannot incorporate that in the record-of-rights, and it is contrary to the principle that the House has already accepted.

Mr. SARAT KUMAR ROY: I submit, Sir, that if clause 3 stands part of the Bill, this amendment of mine would be quite in keeping with that clause.

Mr. J. B. KINDERSLEY: My argument is this: in the last part of this amendment which is now under discussion in this House it says "the Revenue Officer shall incorporate the same into a record-of-rights and finally publish the same in the prescribed manner and for the prescribed period and every entry in a record-of-rights finally published under this Act shall be evidence for the matter referred to in such entry and shall be presumed to be correct and shall be binding as between the parties concerned." My point is this: the roll that we prepare will contain an estimate of the rents payable by every class of tenants and not a settlement of rents as in the case of Tenancy Act matters under section 104. Therefore, if you cannot incorporate this estimate into a record-of-rights, you can much less make the rents which the mover proposes to incorporate binding upon the parties. So I say it is consequential upon the other amendment and should be thrown out.

Mr. PRESIDENT: Your point is that the House has retained the word "estimate" as against the word "settlement."

Mr. J. B. KINDERSLEY: That is exactly my point, Sir. Unless that decision is upset this roll cannot be incorporated.

Mr. PRESIDENT: Mr. Roy, what is the significance of the word "presumed" in the last line but one of your motion?

Mr. SARAT KUMAR ROY: That word is considered to have the same import as "settle."

Mr. PRESIDENT: It is quite clear, as Mr. Kindersley has pointed out, that the House has already accepted the word "estimate" and I must overrule Mr. Roy's amendment as it attempts to introduce the word "settlement" instead.

Clause 6A.

The motion that clause 6A stand part of the Bill was put and agreed to.

Babu PREMHARI BARMA: I beg to move——

The Hon'ble Sir BROJENDRA LAL MITTER: On a point of order, Sir. This amendment has already been accepted that for 30 years there shall be no further enhancement. The whole Bill is to settle a fair and equitable rent. What's the good of saying that all rents settled under this Act shall be deemed to have been correctly and equitably settled? Of course such rents are fair and equitable!

Babu PREMHARI BARMA: In that view of the matter I don't move the motion.

Clause 7.

Mr. J. B. KINDERSLEY: I beg to move that for clause 7 the following be substituted, namely:—

"7. In a temporarily settled estate—

(*a*) the rents specified in any roll for the tenants of the highest degree and for any lands held *khas* by the proprietor or other person with whom the estate is settled, together with

(*b*) the assets of any lands not included in a roll

shall, notwithstanding anything contained in the regulation, be deemed to be the assets of the estate for the purpose of assessing the land revenue."

This is merely a drafting matter, Sir, and the Select Committee inverted it. You will find that the original Bill was drafted in terms of the amendment that I have moved. We simply wish to restore the original wording.

The motion was put and agreed to.

The motion that clause 7 stand part of the Bill was put and agreed to.

The motion that clause 9 stand part of the Bill was put and agreed to.

Clause 10.

The motion that clause 10 stand part of the Bill was put and agreed to.

Mr. P. BANERJI: I beg to move that for clause 10A the following clause be substituted, namely:—

"10A. Notwithstanding anything contained elsewhere in this Act—

(*1*) Where land is used by any person for residential purposes by actual occupation or by letting it out, the Collector shall allow an abatement of the amount payable under section 9 or section 10 in respect of such land. The amount of such abatement shall be determined by the Collector and shall not be less than *three-fourths* of the difference between—

(*a*) the amount of the rent which was payable before the order under section 3 was made, and

(*b*) the amount payable according to the roll by a tenant of the highest degree in respect of such land.

(*2*) For the purposes of section 7, the rent specified in the roll for a tenant of the highest degree shall be deemed to be modified in accordance with the provisions of clause (*1*) in any case in which such tenant would be entitled to any abatement if the land were included in an estate to which the provisions of section 9 or section 10 were applicable."

In moving my motion I want to submit that this amendment is a very reasonable one. Firstly, it will be noticed that the Select Committee to which the Bill was recommitted even went so far as to reduce it from 4 per cent. to 2 per cent., that is they wanted a 50 per cent. reduction of the whole basis of assessment. Now, Sir, the Hon'ble Member by his amendment in this House has restored the same thing, namely, the 4 per cent. Therefore he has not respected the wishes of the members of the Select Committee.

Now, apart from all these, let us see what difference my amendment makes. The difference is not very much. The Hon'ble Member might say that if the difference is not much such as that between ⅓rds and ¾ths then why should we insist on this being accepted? My reason is that in these hard times rents are going to be increased so much as it has been pointed out by some members from Rs. 6 to 240 in some cases; two-thirds of 240 will be 160 and three-fourths of 240 is Rs. 180. The Select Committee reduced it to 2 per cent. and even then the figure would have come to Rs. 40 which is more than about 700 per cent. Don't you, Sir, think that it is an absurd proposition? Will it not be difficult for these tenants to pay Rs. 700 where they were paying Rs. 6

only? There is another thing to be considered. The Hon'ble Member has been very kind to those persons that will inherit property, that is, to such lessees or their successors and assigns, who get their property by inheritance,—a class of tenants whom he has called tenants of the highest degree. But I see in other cases, that is in cases of transferee, he has been very hard. As I said in an earlier part of the debate, if no transfer is recognised land value will be automatically diminished, because after all, these fabulous prices not only in Calcutta and other towns but in the mufassal also, are due to the fact that by the improvement of land there is a prospect for persons to sell it in case of emergency to people who might come forward or in cases of difficulty for temporary accommodation it is possible to get relief. Now, Sir, consider the situation for a moment. If in cases where there is no chance for a transferee to take possession of the land, of course in extreme cases, what happens? Nobody will come forward even to advance money or to accommodate any person even temporarily. Not only in these times but at all times who is there in the country that does not require temporary if not permanent accommodation? You know, Sir, persons once in affluent circumstances, I mean the landed aristocracy, but what is their position to-day? Most of them are hard hit and they are victims of circumstances. The result is loss of property and many of such properties have gone over to other people and creditors and in some cases I am informed that Government have purchased land for a mere song, namely, Re. 1 or Rs. 2. I am informed by an Advocate of the High Court, Mr. Mullick also a member of this Council, that that is sometimes the case. Just fancy for a moment what is the ridiculous state of affairs—properties are being sold for a rupee or so! That is, Sir, the state of affairs. May I now enquire——

Mr. PRESIDENT: I shall now adjourn the House. But before doing so I may inform the House that I have received a communication from His Excellency the Governor to the effect that in modification of his previous orders His Excellency has ordered that the Council will sit at 10-30 a.m. to-morrow instead of at 2 o'clock.

Mr. P. BANERJI: May I know, Sir, how long it will sit?

Mr. PRESIDENT: Well, that is left to me. I can adjourn the House when I like. It all depends upon the progress we make. I now adjourn the Council till 10-30 a.m. to-morrow.

Adjournment.

The Council was then adjourned till 10-30 a.m. on Thursday, the 3rd December, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Thursday, the 3rd December, 1936, at 10-30 a.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 80 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Burdwan-Arambagh Road.

*79. **Rai Bahadur SATYA KINKAR SAHANA:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state—

(*i*) what amount was allotted on the recommendation of the Government of India Road Board for the Burdwan-Arambagh Road in Bengal:

(*ii*) when was the allotment made;

(*iii*) when was the work commenced; and

(*iv*) what was being done in the interval?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the road is an inter-provincial and historic one;

(*ii*) that the road is used by millions living in the Trans-Damodar area of the districts of Burdwan, Hooghly and Bankura; and

(*iii*) that this is the only road to go to the district headquarters of the said districts and to Calcutta?

(*c*) Is it a fact that motors used to ply on this road for the past 12 years?

(*d*) Is it a fact that motor traffic has ceased since June last on this road? If so, why?

(*e*) Is the Hon'ble Minister aware—

(*i*) that the road has been rendered impassable by the placing of loose earth on the metalled district board road just before the rainy season between the 5th and 10th mile of the Burdwan-Arambagh Road;

(*ii*) that cart traffic has ceased;

(*iii*) that knee-deep mud has made it difficult for even pedestrians to pass?

(*f*) Will the Hon'ble Minister be pleased to state whether any steps have been taken to provide for the passage of motors, carts and pedestrians during the continuance of the improvement works? If so, what?

(*g*) How long is this road likely to be kept in this condition?

(*h*) Do Government propose giving any facility of communication during the continuance of the improvement work on this road?

MINISTER in charge of LOCAL SELF-GOVERNMENT DEPARTMENT (the Hon'ble Sir Bijoy Prasad Singh Roy): (*a*) (*i*) to (*iv*) In July, 1930, a project for the improvement of the Burdwan-Arambagh Road was approved by the Government of India at an estimated cost of Rs. 5 lakhs out of the Provincial share in the Road Account for the first quinquennium. Administrative approval was accorded in February, 1934, to the scheme which included a section of the road in the spill area. The work in the spill area could not, however, be taken up until the site and details of the proposed road bridge over the Damodar were finally settled and this portion of the scheme had to be abandoned. Preliminary works were then taken up and revised estimates prepared. The actual work on the road commenced by the end of January, 1936. Revised administrative approval to the improvement of the road from 4½th mile to the 10th mile was subsequently given at a total cost of Rs. 6,17,800.

The delay which occurred in the period from July, 1930, to February, 1934, was due to the time taken in settling the question as to which section of the road should be taken up first with the amount of Rs. 5 lakhs which was not sufficient to improve the whole road. A Regional Sub-Committee had to be appointed for advising on this question and decision could not be reached till January, 1934.

A further project for the improvement of a length of 12 miles from Seharabazar towards Arambagh has been approved at an estimated cost of Rs. 6 lakhs out of receipts from the Central Road Fund in the second quinquennium. The estimates in respect of this project are still under preparation and work cannot therefore be yet commenced.

(*b*) (*i*) and (*ii*) It is at present an inter-district road. The portion between Burdwan and Arambagh is expected ultimately to acquire an inter-provincial character as a link in the proposed Bombay-Calcutta Trunk route. The road is used by a large number of people in the area mentioned by the member.

(*iii*) No.

(*c*) Government have no information as to the exact date when motor vehicles began to ply on this road.

(*d*) and (*e*) (*i*) There was a temporary cessation in motor traffic only during the last monsoon. This was due to the fact that the improvement provides for raising of the level of the existing road and for this purpose earth-work had to be done before the rains. On the metalled portion of the existing road earth-work was done for the above purpose after the removal of the metal.

(*ii*) and (*iii*) No.

(*f*), (*g*) and (*h*) There has been no obstruction to traffic of any kind throughout the year except only in regard to motor traffic during the rains which will not be possible till the improvement of the road has been completed.

Small-pox in Mymensingh.

*80. **Babu SATISH CHANDRA RAY CHOWDHURY:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government (Medical) Department aware—

(*i*) that small-pox epidemic is raging in the town of Mymensingh for some time past;

(*ii*) that in the Municipal *methar* quarters alone 8 deaths have taken place so far in quick succession; and

(*iii*) that the epidemic has been spreading to the other quarters of the town of Mymensingh with alarming rapidity?

(*b*) Is the Hon'ble Minister aware—

(*i*) that the ordinary and recognised means of coping with the disease has failed; and

(*ii*) that the Municipal authorities have now resorted to the new system of pox-treatment introduced by Mr. Nagendra Kumar Majumdar, B.L., of Mymensingh both as prophylactic and curative measures?

(*c*) If the answer to (*b*) is in the affirmative, what is the result so far achieved under the new method?

(*d*) Do the Government propose to supplement the efforts of the Municipality in checking the course of the disease? If so, how?

(*e*) Are the Government considering the desirability of deputing an expert to study the conditions on the spot?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) From January to August there were only 20 attacks and 7 deaths. From September up to 26th November there have been 92 attacks and 20 deaths.

(*ii*) There were altogether 33 cases in the *metharpara* in Ward III, and that of these 10 died during the period from 29th August, 1936, to 26th November, 1936.

(*iii*) The majority of cases occurred in Ward III; but a few cases also occurred in November in Wards II, IV, V and VI.

(*b*) (*i*) and (*ii*) No.

(*c*) From the statistics supplied it is not possible to form any definite estimate of the value of Mr. Mazumdar's method of treatment.

(*d*) and (*e*) The Special Sub-Inspector of Vaccination has been deputed by the Public Health Department to help the Municipality in combating the outbreak.

Goalundo Local Board.

***81 and *82. Maulvi YOUSOF HOSSAIN CHOUDHURY and Rai Bahadur SARAT CHANDRA BAL:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware that seats of the elected members of the Goalundo Local Board have been declared vacant by the civil court?

(*b*) If the answer to (*a*) is in the affirmative, what steps do the Government intend taking in the matter?

(*c*) Will the Hon'ble Minister be pleased to state—

(*i*) how the administration of the local board will be carried on at present; and

(*ii*) what will be the position of the district board delegates elected by those elected members?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) Yes.

(*b*) The Bengal Local Self-Government (Second Amendment) Act, 1936, which has been recently passed by the Council, provides for the condonation, in certain circumstances, of the failure of members of district or local boards to make the oath of allegiance prescribed in section 16B of Local Self-Government Act and for the validation of the

previous acts done by such members. As soon as the new Act is brought into force with the assent of the Governor-General, the Local Government propose to condone the default made by the elected members of the Goalundo Local Board. After the order of condonation has been passed, all the proceedings of the new board will become valid.

(*c*) The member is referred to section 19A of the Bengal Local Self-Government Act.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Minister be pleased to state when the Bengal Local Self-Government (Second Amendment) Act, 1936, received the assent of the Governor-General?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: The Governor-General's assent has subsequently been received.

Maulvi SYED MAJID BAKSH: When will the Act be published in the *Calcutta Gazette*?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: In the next Gazette.

Officers of Bengal Medical Service.

*83. **Khan Bahadur Maulvi MUAZZAM ALI KHAN:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state whether the object of training the officers of the Bengal Medical Service abroad is—

(*i*) to improve the quality of medical education in this country; and

(*ii*) to provide better medical aid to the rural population?

(*b*) If the reply to (*a*) (*i*) is in the affirmative, will the Hon'ble Minister be pleased to state how many such officers were placed at the Burdwan, Chittagong, Jalpaiguri, and Mymensingh Medical Schools?

(*c*) If the reply to (*a*) (*ii*) is in the affirmative, will the Hon'ble Minister be pleased to state how many such officers were placed in mufassal subdivisions for a length of time?

(*d*) Will the Hon'ble Minister be pleased to state how many officers of the Bengal Medical Service who entered the service with foreign qualifications within recent years were posted—

(*i*) in Calcutta; and

(*ii*) at mufassal subdivisions?

(*e*) Is the Hon'ble Minister aware that people in the mufassal suffer for want of surgical, obstetrical and ophthalmological help?

(*f*) If the reply to (*e*) is in the affirmative, is the Hon'ble Minister considering the desirability of posting those officers of the Bengal Medical Service who have worked as Resident Surgeon of the Medical College Hospitals to mufassal subdivisions?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) and (*ii*) The object of training officers of the Bengal Medical Service abroad is to enable them to acquire first hand knowledge of the latest developments in the art and science of medicine, including medical education, in Western countries and to acquaint themselves with the latest methods of dealing with hospital work and medical relief in general and the problems appertaining thereto as practised in Western countries.

(*b*) Two; one in the Burdwan and one in Mymensingh Medical School.

(*c*) One.

(*d*) (*i*) and (*ii*) Four officers entered the Bengal Medical Service with foreign qualifications. They were all posted to Calcutta and are all now employed there but two of them were employed for a time in mufassal subdivisions during their service.

(*e*) The dearth of medical officers in the mufassal with sufficient practical training and experience in specialised branches of medicine such as those mentioned by the member is well known.

(*f*) In view of the small number of such officers available at present it is not considered desirable to employ them in mufassal subdivisions in preference to important medical centres such as those containing medical schools or important civil hospitals where their special knowledge and training can be utilised to greater advantage in the interest of the medical needs of the Province as a whole.

House Officers of Medical College Hospitals.

*84. **Khan Bahadur Maulvi MUAZZAM ALI KHAN:** Is the Hon'ble Minister in charge of the Local Self-Government (Medical) Department aware—

(*i*) that very few newly qualified Muslim medical graduates have been appointed as House Officers of the various departments of the Medical College Hospitals within the recent years; and

(*ii*) that almost no opportunity or facility is afforded to them to fit themselves for future appointment in the Bengal Medical Service or to pursue higher medical studies in England or to give experienced medical aid to the public of Bengal?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*i*) No. A statement of appointments of House Officers given to Muslim medical graduates during the last 3 years is given below:—

Year.	Number of Muhammadan applicants.	Number of Muhammadan appointments.
1933-34	8	7
1934-35	14	11
1935-36	8	5

(*ii*) The same facilities and opportunities are open to all medical graduates irrespective of caste or communal considerations.

Detenu Narayan Chandra Lahiry.

*85. **Mr. NARENDRA KUMAR BASU:** (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) when was Narayan Chandra Lahiry taken into custody for purposes of detention under the Bengal Criminal Law Amendment Act;

(*ii*) what was his weight at the time;

(*iii*) what has been the state of his health since July, 1933;

(*iv*) what period since then has he been in hospital either in jail or in detention camp;

(*v*) what is his present weight; and

(*vi*) what is the present state of his health?

(*b*) Have the Government taken any steps to have him examined by any competent medical man outside its jail medical officers?

(*c*) Have the Government received any memorial from the detenu to be examined by Sir Nilratan Sircar or Dr. B. C. Roy or to be sent to a healthy place like Darjeeling?

(*d*) If the answer to (*c*) is in the affirmative, what is the order on such petition?

(*e*) Do the Government propose taking action regarding the detenu against deterioration of his health?

MEMBER in charge of POLITICAL DEPARTMENT (the Hon'ble Sir Robert Reid): (*a*) (*i*) 27th December, 1932.

(*ii*) 98 lbs.

(*iii*) Poor.

(*iv*) Inquiries are being made, and the information desired by the member will be communicated to him as soon as possible.

(*v*) 82 lbs.

(*vi*) Poor.

(*b*) and (*c*) Yes.

(*d*) Government considered that it was not necessary for the detenu to be examined by these physicians. Government proposed to allow him to go to his home in Rangpur district, but were informed by his brother that owing to family dissensions this suggestion was not acceptable. Alternative suggestions are now under consideration.

(*e*) The detenu is receiving careful treatment.

Detenu Satyaranjan Chatterjee.

*86. **Babu JITENDRALAL BANNERJEE:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that detenu Satyaranjan Chatterjee, son of Mr. Sirish Chandra Chatterjee, of Dacca, is at present confined in the Hijli Detention Camp;

(*ii*) that he was suffering from Baciliary Dysentery in September last;

(*iii*) that no information of the state of his health was sent to his father; and

(*iv*) that he is now suffering from Typhoid?

(*b*) Will the Hon'ble Member be pleased to state his weight at the time of his arrest and his weight between March and April, 1935?

(*c*) Is it a fact that he was acquitted by the Special Magistrate, Dacca, on the 31st August, 1932, and was re-arrested the same day in the court room?

(*d*) Will the Hon'ble Member be pleased to lay on the table a copy of the judgment of the said Special Magistrate?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) and (*ii*) Yes.

(*iii*) No information was sent by the Commandant, as the detenu was able to write himself.

(*iv*) He is now convalescent after an attack of Paratyphoid A, and is on full diet.

(*b*) 9 stone 7 lbs., and 8 stone 12 lbs.

(*c*) Yes.

(*d*) As a copy of the record can be obtained in the usual way, Government are not prepared to lay one on the table.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state why this detenu was arrested in the Court room as he was subsequently acquitted by the Magistrate?

The Hon'ble Sir ROBERT REID: It was considered necessary on grounds of public safety.

Mr. P. BANERJI: Is it not a fact that in the judgment, which the Hon'ble Member is not prepared to lay on the table, the Magistrate declared that he was wrongly implicated in this case?

The Hon'ble Sir ROBERT REID: I have not read the judgment, but as far as I know, the Magistrate did say that, Sir.

Mr. SHANTI SHEKHARESWAR RAY: Is it the policy of the out-going Government not to place such statements on the table?

The Hon'ble Sir ROBERT REID: It is not a question of policy, Sir. The honourable member can obtain it for a few annas in the ordinary way.

Tolly's Nala.

*87. **Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) when and with what object was the Samukpota Sluice of the Tolly's Nala built;

(*ii*) whether it is a fact that this sluice is the only outlet of the Nala;

(*iii*) what are the rules for cutting the protected embankments and also the banks of rivers;

(*iv*) whether previous permission of the Government is necessary; and

(*v*) whether it is necessary to deposit any money for this purpose?

(*b*) If the answer to (*a*) (*iv*) and (*v*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) how many permits were granted to cut the banks of the Vidyadhari and Tolly's Nala during the last two years; and

(*ii*) the amount of deposits received?

(*c*) Is it a fact—

(*i*) that the Vidyadhari is cut every year by the fishery owners to let in salt water to their fisheries; and

(*ii*) that salt waters are discharged into the Tolly's Nala as the river is now on a higher level than the fisheries?

(*d*) Is it a fact that a part of the Tolly's Nala is leased to fishery owners?

(*e*) If the answer to (*d*) is in the affirmative, what amount has been realised during the past three years?

(*f*) Is the present lessee holding the lease for the last 10 years or so?

MEMBER in charge of IRRIGATION DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): Enquiries are being made and the answer will be furnished to the member as soon as information has been received.

Drainage of certain areas in the suburbs of Calcutta.

*88. **Babu JITENDRALAL BANNERJEE:** (*a*) Is the Hon'ble Minister in charge of the Local Self-Government Department aware—

(*i*) that several villages within the Tollygunge police-station in the jurisdiction of the Sadar subdivision of the 24-Parganas are flooded during the rainy season continuously for the last 16 years owing to insufficient drainage; and

(*ii*) that all approaches to several villages as also the habitations of villagers remain submerged with storm water for 4 to 6 months a year?

(*b*) Is it a fact that these villages are within the administrative control of the 24-Parganas District Board, Tollygunge Municipality and the Haltoo Union Board?

(*c*) Is it a fact that a large tract of land of the Khas Mahal Department is situated in this water-logged area?

(*d*) Is it a fact that the storm water of the south-east portion of the Calcutta Corporation is still being discharged into the Tollygunge Municipal area flooding the areas surrounding their outfalls?

(*e*) Is it a fact that the villagers have, since then, been representing, either individually or through their representative associations, to the officials of the Irrigation Department, Public Health Department, the District Magistrate of the 24-Parganas and the Government direct?

(*f*) Is it a fact that the question of the insufficient drainage was brought to the notice of the District Magistrate by the Chairman of the Tollygunge Municipality on several occasions during the last 10 years or so?

(*g*) Is it a fact that the villagers, interested *zamindars* and the Chairman of the Tollygunge Municipality were asked by the District

Magistrate in 1936 to file applications under section 3 of the Bengal Agricultural and Sanitary Improvement Act of 1920?

(*h*) Were any applications received from them?

(*i*) If so, what action was taken on these applications?

(*j*) Is it a fact that the drainage of this water-logged area is dependent on the Calcutta Corporation Kulti scheme?

(*k*) If so, has any scheme been prepared to drain the storm water of these areas into the proposed canal?

(*l*) If no scheme has yet been prepared, will the Hon'ble Minister be pleased to state when it is likely to be prepared and sanctioned?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) to (*l*) Information on all these points has been asked for from the local officers and the other authorities concerned but owing to the late receipt of the question, it has not been possible to collect the information for an answer to be given before the end of the Council Session.

The information, when received, will be communicated to the member.

Mr. P. BANERJI: In view of the state of affairs disclosed in this question, will Government be prepared to take immediate steps to stop them?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: It is a hypothetical question. It depends on the information on which the question is based, and it is not possible for Government to say "yes" or "no" in reply to this question.

Ranajit Roy Choudhuri and Indrajit Roy Choudhuri of Ulpur (Faridpur).

***89. Babu JITENDRALAL BANNERJEE:** (*a*) Is the Hon'ble Member in charge of the Political Department aware—

(*i*) that Ranajit Roy Choudhuri and Indrajit Roy Choudhuri of Madaripur were detained in custody from 21st November 1935, and 12th January, 1936, respectively to 25th July, 1936, in connection with a case commonly known as the Dargakhola revolver find case within the Madaripur Municipality of the Faridpur district;

(*ii*) that after trial before a Special Magistrate Ranajit got 5 years' rigorous imprisonment while Indrajit was acquitted on 25th July, 1936;

(*iii*) that Ranajit is a post-graduate and law student of the Calcutta University while Indrajit is a young boy of 16 reading in class X of Madaripur High English School;

(*iv*) that they belong to a highly respectable zamindar family of Ulpur in the district of Faridpur;

(*v*) that their father Girindra Nath Roy Choudhuri is Chairman of the Madaripur Municipality and pays income-tax for his professional income as a criminal lawyer of Madaripur;

(*vi*) that the police officers who are acquainted with their mode of living deposed in court that Girin Babu maintains a high style and standard of life;

(*vii*) that while in custody as undertrial prisoners they submitted several petitions for their classification under rule 905 of the Jail Code;

(*viii*) that one of the petitions was recommended by Mr. S. K. Dey, I.C.S., the then Subdivisional Officer of Madaripur;

(*ix*) that the said petition was referred to the Circle Inspector of Police, Madaripur, for report who also recommended it;

(*x*) that the said petition and all other petitions were rejected upon a report of the District Intelligence Branch Inspector of Police, Faridpur; and

(*xi*) that the said District Intelligence Branch Inspector on his own admission as a witness in the case stated that he did not know Girin Babu before and consequently he was not acquainted with his or his sons' mode of living?

(*b*) Is the Hon'ble Member also aware that on the date of his conviction Ranajit Roy Choudhuri again applied for his classification under rule 905 of the Jail Code which was referred to the police for report?

(*c*) Will the Hon'ble Member be pleased to state—

(*i*) what was the report of the local police on the said petition; and

(*ii*) how has it been disposed of?

(*d*) Will the Hon'ble Member be pleased to lay on the table copies of all the petitions mentioned in (*a*) and (*b*) with all reports and remarks of officers who had occasion to deal with them and the final orders on all of them?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) and (*ii*) Yes.

(*iii*) and (*iv*) Their father made a representation to this effect.

(*v*) Yes.

(*vi*) to (*xi*) Government have no information on these points.

(*b*) Yes.

(*c*) Government are not in possession of the report referred to.

(*d*) The reports of the officers concerned are confidential, and Government are not prepared to make them public.

Old Cuttack Road.

*90. **Dr. AMULYA RATAN GHOSE:** (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state whether the Government intend building inter-district road leading to Calcutta out of the proceeds of the Motor Vehicles Tax?

(*b*) If the answer to (*a*) is in the affirmative, do the Government propose connecting the towns of Midnapore and Howrah?

(*c*) Is the Hon'ble Minister aware—

(*i*) that the Public Works Department road (the Old Cuttack Road) connecting the Subdivisional town of the Uluberia in the Howrah district with Midnapore is the shortest route to Midnapore; and

(*ii*) that the road will be the shortest trunk road to the neighbouring province of Orissa and to the town of Cuttack?

(*d*) Will the Hon'ble Minister be pleased to state whether the Government intends connecting that road with Calcutta by the shortest existing route?

(*e*) If the answer to (*d*) is in the negative, are the Government considering the desirability of connecting that with Calcutta by way of Howrah-Uluberia Road scheme?

(*f*) Is the Hon'ble Minister aware that the Howrah-Uluberia Road *via* Andul is the shortest route between Uluberia and Calcutta?

(*g*) Has the attention of the Hon'ble Minister been drawn to the suggestion advanced by the Commissioner, Burdwan Division, in his Memo. No. 272, dated the 27th January, 1932, to connect the said Cuttack Road at Uluberia with Calcutta by way of Howrah-Uluberia Road *via* Andul for the purpose of the said inter-district communication?

(*h*) If the answer to (*g*) is in the affirmative, what action do the Government propose taking on the said recommendation?

The Hon'ble Sir BIJOY PROSAD SINGH ROY: (*a*) No.

(*b*) Does not arise.

(*c*) (*i*) and (*ii*) Yes.

(*d*) and (*e*) There is no such proposal. Road projects to be developed out of the provincial share in the Road Account will be considered after the comprehensive survey which is being made by the Special Officer, Road Development Projects, is complete and his report is available.

(*f*) Yes.

(*g*) No.

(*h*) Does not arise.

Drainage of certain areas behind the Panchananogram embankments.

***91. Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state—

(*i*) how many openings are there on the Panchananogram embankments; and

(*ii*) whether all of them are in working order?

(*b*) If the answer to (*a*) (*ii*) is in the negative what arrangements are made to keep them in order?

(*c*) Is the Hon'ble Member aware—

(*i*) that the outer *khal* of Ganiagachi sluice which flows into Tolly's Nala through a cut named Ishan Babu's Hana is not a public water course; and

(*ii*) that there is no other way to dewater the whole area behind the Panchananogram embankments?

(*d*) If the answer to (*c*) is in the affirmative, are the Government considering the desirability of declaring this outer *khal* as a public water course?

(*e*) Is it a fact that the bank of the Tolly's Nala was cut in two places under orders of Mr. Curry when there had been an unprecedented accumulation of storm water in the water-logged area in 1933?

(*f*) If the answer to (*e*) is in the affirmative, are the Government considering the desirability of effecting further cuts to quickly discharge the accumulation of storm water inundating places within a few minutes' walk from the Ballygunge, Dhakuria and Jadabpur railway stations?

(*g*) Has any representation been received on this subject?

(*h*) If so, what action has been taken?

(*i*) With reference to the reply given on the 5th December, 1932, to clause (*b*) of starred question No. 56 will the Hon'ble Member

be pleased to lay on the table the result of the investigation started by the Irrigation Department?

(*j*) Have the department been able to devise any temporary measure to relieve the drainage congestion of the area behind the Panchanangram embankments?

The Hon'ble Khwaja Sir NAZIMUDDIN: Enquiries are being made and the answer will be furnished to the member as soon as information has been received.

Sakhwat Memorial Girls' High English School, Calcutta.

*92. **Maulvi AZIZUR RAHMAN:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the names of the members of the present Governing Body of the Sakhwat Memorial Girls' High English School, Calcutta; and

(*ii*) their respective academic qualifications?

(*b*) Is it a fact that among the non-official female members of the Committee of this school there is a lady who has passed her matric only this year?

(*c*) Is it a fact that this lady has also been appointed a member of the Female Educational Advisory Committee?

(*d*) Is the Hon'ble Minister aware that there are at present among Muslim ladies in Calcutta persons who are academically better qualified than the lady referred to in (*b*) and (*c*)?

(*e*) If the answer to (*d*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons why preference has been given to this lady in the matter of selection as a member?

(*f*) Is it a fact that this lady has also been appointed as a Presidency Honorary Magistrate (Childrens' Court), Calcutta?

MINISTER in charge of EDUCATION DEPARTENT (the Hon'ble Khan Bahadur M. Azizul Haque): (*a*) (*i*) A statement is laid on the table.

(*ii*) Full information cannot be made available without instituting personal enquiries from the members.

(*b*) to (*d*) Yes.

(*e*) Academic qualifications are not the sole criterion.

(*f*) Yes.

Statement referred to in the reply to clause (a) of starred question No. 92.

NOTIFICATION No. 2951 EDN., DATED CALCUTTA, THE 31ST AUGUST, 1936.

The Government of Bengal (Ministry of Education) are pleased to appoint the following members to constitute the Managing Committee of the Sakhwat Memorial High English School for Muslim Girls, Calcutta, for a period of one year, with effect from the 1st September, 1936:—

(1) Khan Bahadur Muhammad Abdul Momen, C.I.E., *President.*

Members.

(2) Mr. Adamji Haji Dawood.

(3) Sir Abdul Halim Khan Ghuznavi, M.L.A.

(4) Mr. Amin Ahmed, M.A., BAR.-AT-LAW.

(5) Dr. Dabiruddin Ahmad, M.B., O.B.E., V.H.A.S.

(6) Assistant Director of Public Instruction for Muhammadan Education, Bengal.

(7) Mrs. Momen.

(8) Mrs. Hasina Murshed.

(9) Mrs. Jenkins.

(10) Miss Suniti Bala Gupta, Inspectress of Schools, Presidency and Burdwan Divisions.

(11) Miss Asiya Majid, Assistant Inspectress of Schools for Muhammadan Education, Presidency and Burdwan Divisions.

(12) Head Mistress of the School, *Secretary.*

New Future Market in Calcutta.

*93. **Babu JITENDRALAL BANNERJEE:** (*a*) Is the Hon'ble Member in charge of the Commerce Department aware that one more Future Market in jute has been opened in Calcutta for dealing in transactions upon a minimum basis of 50 bales?

(*b*) What consideration lead the Government to open one more Future Market in Calcutta as distinct from the East India Jute Association, Limited?

(*c*) Do the Government propose making the East India Jute Association, Limited, as a reformed body on the lines of Liverpool Cotton Future Market?

(*d*) Is the Hon'ble Member aware that the contract being "Arbitration Contract," there is no "brokers note" stamps on the same?

(e) Are the non-members of the East India Jute Association, Limited, legally allowed to act as brokers with charts for business in the Jute Futures Market and issue the East India Jute Association contract as their own?

(f) Are the Government and Railway servants allowed to operate as speculators in the Jute Futures Market?

(g) If the answer to (f) is in the affirmative, are the Government considering the desirability of issuing instructions that Government servants are not allowed to speculate in the Jute Futures Market?

(h) Is the Hon'ble Member aware that the Market depends on many points of information from the Government departments for railway bookings?

MEMBER in charge of COMMERCE DEPARTMENT (the Hon'ble Sir John Woodhead): (a) The establishment of the Calcutta Jute Exchange, Limited, was announced in the Press in September last.

(b) Government took no part in the establishment of the Calcutta Jute Exchange, Limited.

(c) The question is not understood; no matter relating to the constitution of the East India Jute Association, Limited, is before Government.

(d) It is understood that the East India Jute Association Contract is not liable to stamp duty.

(e) Government have no information.

(f) No.

(g) Does not arise.

(h) The question is not understood.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether Government officers are allowed to speculate in Jute Futures Market?

The Hon'ble Sir JOHN WOODHEAD: No, Sir.

Mr. P. BANERJI: Is the Hon'ble Member aware that many Government officers, particularly Railway officers, do speculate in Jute Futures Market?

The Hon'ble Sir JOHN WOODHEAD: No, Sir.

Mr. P. BANERJI: If he is not aware of that, will he be pleased to make enquiries into the matter?

The Hon'ble Sir JOHN WOODHEAD: No, Sir.

Mr. P. BANERJI: What is the reason of his not being prepared to enquire into the matter when high Government officers, particularly Railway officers, do speculate in the Futures Market of Jute?

The Hon'ble Sir JOHN WOODHEAD: Because I have no reason to believe that high officials do participate in such speculation.

Rural Primary Education Act.

*94. **Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) the present plan of the Government regarding the enforcement of the Rural Primary Education Act; and

(*ii*) the time within which Government expects to enforce the provisions of the Act in full throughout the province?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*i*) The Bengal (Rural) Primary Education Act has been partially introduced in 12 districts of Bengal, where district school boards have been established under the Act. The Act will be fully introduced in the district of Mymensingh with effect from January, 1937, and it is the intention of Government to give full effect to the Act in other districts as soon as circumstances permit.

(*ii*) It is not possible to say.

Rai Bahadur SATYA KINKAR SAHANA: Will the Hon'ble Minister be pleased to state what are the favourable circumstances to enable Government to give effect to the Act?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That is known perfectly to my friend as much as to myself.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state whether the district boards are still allowed to avail themselves of the option to adopt the scheme?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Yes.

Dacoities and crimes against women.

*95. **Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Member in charge of the Police Department be pleased

to lay on the table a statement showing for each district for the period from November, 1934, to October, 1936—

(*i*) the number of dacoities committed;

(*ii*) how many cases ended in conviction;

(*iii*) how many cases ended in acquittal; and

(*iv*) how many of these were political dacoities?

(*b*) Will the Hon'ble Member be pleased to state showing for each district for the period from November, 1934, to October, 1936—

(*i*) the number of crimes against women detected in Bengal;

(*ii*) how many of these cases ended in conviction;

(*iii*) how many of these cases ended in acquittal; and

(*iv*) in how many cases whipping was resorted to as a mode of punishment under the Bengal Whipping Act, 1935?

MEMBER in charge of POLICE DEPARTMENT (the Hon'ble Sir Robert Reid): Owing to late receipt of the question, Government regret it is not possible to obtain the information required in time for answer being given before the end of the current Council session.

Calcutta hawkers.

*96. **Babu JITENDRALAL BANNERJEE:** (*a*) Is the Hon'ble Member in charge of the Police Department aware that there are about 20,000 hawkers in the town of Calcutta who carry on their trade by taking necessary licences from the Calcutta Corporation?

(*b*) Is the Hon'ble Member aware that these licensed hawkers are prevented from carrying on their legitimate trade owing to undue interference from the subordinate police who often arrest them and take them to the *thana* and detain them there for the day and often send to Court for trial?

(*c*) Is the Hon'ble Member aware of a feeling, of late, amongst the hawkers who are holding frequent meetings and demonstrations protesting against interference by the subordinate police with the carrying on their trade?

(*d*) Is the Hon'ble Member considering the desirability of taking steps in the matter?

The Hon'ble Sir ROBERT REID: (*a*) There are 2,171 licensed hawkers only in Calcutta.

(*b*) Only those hawkers are arrested who obstruct the thoroughfares. The majority of those arrested have no licences.

(*c*) Such meetings and demonstrations have been held.

(*d*) The matter is under consideration.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to state whether he has any idea of Clive Street?

The Hon'ble Sir ROBERT REID: I have heard of Clive Street, Sir.

Mr. P. BANERJI: Has the Hon'ble Member any idea of how the footpaths of Clive Street are full of hawkers?

The Hon'ble Sir ROBERT REID: I have no information.

Mr. P. BANERJI: Will the Hon'ble Member be pleased to enquire into the mater and put a stop to the practice of allowing the relations of constables and head-constables to hawk on the footpaths of Clive Street?

The Hon'ble Sir ROBERT REID: I do not intend to make any such enquiry.

Mr. P. BANERJI: Does the Hon'ble Member think that it is not in the public interest to remove obstructions in the Clive Street?

The Hon'ble Sir ROBERT REID: I have referred to that point in my answer to (*b*), Sir.

Narajole Mahendra Academy.

*97. **Mr. P. BANERJI:** (*a*) Will the Hon'ble Minister-in-charge of the Education Department be pleased to state whether the Government have decided to control public schools by insisting on the appointment of Government Officials as Presidents of School Committees?

(*b*) If the answer to (*a*) is in negative, will the Hon'ble Minister be pleased to state why the Subdivisional Officer, Ghatal, in his letter of the 18th February, 1936, to Mr. Debendra Lal Khan of Narajole, President of the Narajole Mahendra Academy, asked him to retire in Subdivisional Officer's favour?

(*c*) Is the Hon'ble Minister aware that while making this suggestion, the Subdivisional Officer remarked that the academy is not being run properly?

(*d*) Is the Hon'ble Minister also aware of the good reports about the school submitted by the Educational Department of the University?

(e) Is the Hon'ble Minister aware that the School Committee considered it inexpedient in the interests of the future welfare of the school to act as desired by the Subdivisional Officer and in the alternative, offered the Subdivisional Officer membership of the school committee which he declined to accept?

(f) Will the Hon'ble Minister be pleased to state the reasons for the steps taken by the Subdivisional Officer?

(g) Is the Hon'ble Minister aware—

(i) that some miscreants set fire to all the almirahs in the library of the school, and

(ii) that attempts to give clues to trace the miscreants did not receive encouragement from the police?

(h) Is the Hon'ble Minister considering the desirability of enquiring into the matter and of laying a copy of the result of the enquiry on the table?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (a) No.

(b) The Subdivisional Officer enquired of Mr. Debendralal Khan whether he was ready to make him (Subdivisional Officer) President in his place for the following reasons:—

(1) The school is not being properly run.

(2) Mr. Debendralal Khan resides permanently in Calcutta and never comes to Narajole.

(c) Yes.

(d) No.

(e) and (f). The school authorities offered to appoint Subdivisional Officer as Secretary to the Managing Committee. This was a departure from established practice.

(g) (i) Yes.

(ii) No.

(h) No.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to enlighten us as to who offered the Subdivisional Officer the Secretaryship of the institution?

The Hon'ble Kan Bahadur M. AZIZUL HAQUE: I presume the school authorities.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether it is not a fact that the school authorities never offered him the secretaryship but asked him only to be a member of the School Committee?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It seems to me that my friend is aware of everything in the matter and does not require any further information from me.

Mr. SHANTI SHEKHARESWAR RAY: Is the Hon'ble Minister aware that there are many absentee landlords who happen to be presidents of school committees but who regularly absent themselves from the committee meetings?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: That is the curse of the country unfortunately for the present.

Mr. P. BANERJI: Will the Hon'ble Minister be prepared to make enquiries as to whether good reports were submitted by the Education Department about this school?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is impossible for me to make an enquiry unless my friend says for which year or period he wants to have an enquiry made. It is quite possible that a good report may become perfectly bad in a subsequent period.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to state whether any bad reports about this school were submitted?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is impossible for me to carry all these things into my head.

Mr. P. BANERJI: Will the Hon'ble Minister be pleased to enquire into the matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I am quite prepared to do that if the member informs me verbally what he wants to be enquired into.

Mr. P. BANERJI: Will the Hon'ble Minister put a stop to all this interference with the management of the school?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: It is not at all interference. The president of the school was always absent, never attended meetings, and the affairs of the school was turning out bad. These things prompted the Subdivisional Officer to look into the matter. If that was interference, I must say there is nothing to say against it.

Rai Bahadur SATYA KINKAR SAHANA: Is it not a fact that absentee presidents of school committees always do injustice to such schools?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I take it that that is always the view of every reasonable man.

Civil Court ministerial officers of Faridpur.

***98 and 99. Rai Bahadur SARAT CHANDRA BAL and Maulvi YOUSOF HOSSAIN CHOUDHURY:** Will the Hon'ble Member in charge of the Judicial Department be pleased to state—

(*i*) how many posts of civil court officers and process-servers fell vacant from the 1st January to the 30th October, 1936, in the district of Faridpur; and

(*ii*) how many of such vacancies were filled up by Hindu and schedule caste candidates?

The Hon'ble Sir BROJENDRA LAL MITTER:

(*i*) Ministerial officers ... 5

Process-servers ... 7

(*ii*) The vacancies have not yet been filled up.

Sub-Registry Offices in Patiya (Chittagong).

***100. Khan Bahadur Haji BADI AHMED CHOWDHURY:** (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(*i*) that there is no sub-registry office within about fifteen miles from Unions Nos. 1, 2 and 3 of Patiya due to the abolition of the office from Kanta Fakir Hat, and

(*ii*) whether any petition has been received from the public representing their difficulties on the proposed abolition of the Padna sub-registry office?

(*b*) Will the Hon'ble Minister be pleased to state whether it has been ascertained there would be an increase of expenditure in introducing the old system of working on commission instead of abolishing sub-registry offices from different places?

(*c*) Are the Government considering the desirability of—

(*i*) maintaining the sub-registry office at Padna,

(*ii*) re-establishing that at Kanta Fakir Hat, and

(*iii*) introducing commission system work in places where the income is small?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*). The information is not readily available.

(*ii*) Yes.

(*b*) No.

(*c*) (*i*) It has been decided to abolish the office.

(*ii*) No.

(*iii*) No.

Sandwip H. E. School.

***101. Maulvi NURAL ABSAR CHOUDHURY:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether it is a fact that an assurance was given that the matter in connection with the Sandwip H. E. School would be finished either by affiliation or by amalgamation;

(*ii*) whether it is a fact that the Hon'ble Minister accompanied by the Director of Public Instruction went to Noakhali and dictated certain terms in the light of which amalgamation between two schools was to be effected; and

(*iii*) whether it is a fact that the authority of the Cargill H. E. School have refused to accept the said terms?

(*b*) Is the Hon'ble Minister aware that the District Magistrate subsequently went to Sandwip with a view to making further attempt at amalgamation?

(*c*) Is the Hon'ble Minister aware that the authority of the Sandwip H. E. School have accepted the terms *in toto*?

(*d*) Will the Hon'ble Minister be pleased to state, what steps, if any, does he propose to take in the matter?

(*e*) Is the Hon'ble Minister aware of a feeling that exists amongst the public, particularly the Mussalmans of that part, over the question remaining unsettled?

(*f*) Will the Hon'ble Minister be pleased to state what steps he proposes to take in the matter of affiliation of the Sandwip H. E. School?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*) No.

(*ii*) Certain terms of amalgamation were suggested in consultation with both the parties.

(*iii*) Yes.

(*b*) No.

(*c*) Yes.

(*d*) The matter is under consideration.

(*e*) Yes.

(*f*) The report of the Inspector of Schools on the subject of the claims of the Sandwip H. E. School to recognition by the Calcutta University is awaited.

Chittagong-Satkania-Hangar Khal Scheme.

*102. **Khan Bahadur Haji BADI AHMED CHOWDHURY:** (*a*) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state what was the estimated cost of the scheme prepared for the re-excavation of the Chittagong-Satkania-Hangar Khal?

(*b*) Is this work likely to be completed shortly?

(*c*) Is the Hon'ble Member aware that the expenditure for the Chittagong district by the Irrigation Department is far less than that for every other district of West Bengal?

(*d*) Are the Government considering the desirability of increasing the grants for irrigation works in Chittagong?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) Rs. 96,549.

(*b*) Government have no information. The scheme was taken up under Act VI of 1920 at the instance of the persons interested, by whom the whole of the cost was to be borne. Government prepared the scheme and in January, 1932, appointed the District Engineer, Chittagong, as the Engineer for the scheme. The Collector reports that since then nothing has been heard of the scheme nor have the persons interested advanced any part of the cost.

(*c*) The question is not understood. No purely irrigational works have been constructed or are maintained by the department except in the districts of Burdwan and Birbhum.

(*d*) No irrigation works are contemplated at present in the district of Chittagong. A sum of Rs. 10,365 was recently contributed by Government towards the cost of the Gumai Bhil Drainage Scheme.

Registration Department.

*103. **Babu JITENDRALAL BANNERJEE:** (*a*) Will the Hon'ble Minister in charge of the Education (Registration) Department be pleased to state—

(*i*) whether it is a fact that the appointments of ministerial officers in the Registration office are regulated by the Inspector-General of Registration's circular letter No. 776/802, dated the 24th January, 1936;

(*ii*) whether it is a fact that according to that circular vacancies in the posts of muharrirs and clerks should ordinarily be filled up by selection from among the copyists and extra copyists;

(*iii*) whether it is a fact that according to that circular the primary field of recruitment to permanent establishment in the Registration Department is the posts of extra muharrirs and special care was directed to be taken for the recruitment of these extra muharrirs; and

(*iv*) whether it is a fact that the said circular laid down the principle of promotion according to seniority and from the extra muharrirs to muharrirs and from the muharrirs to clerks?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state how many appointments and recruitments have been made in Calcutta, Dacca, Alipore, Midnapore, Mymensingh and Jessore according to the circular since the same was issued?

(*c*) Is it a fact that provision has been made for the appointment of the outsiders only in exceptional cases?

(*d*) Will the Hon'ble Minister be pleased to lay on the table a statement showing the number of outsiders appointed in the posts of permanent muharrirs since January, 1936, with the reason of such appointment and the qualifications of such employees?

(*e*) Is it a fact that in September, 1936, an examination was held for the first time by the Registrar, Calcutta Registration Office, for filling up a post in the permanent cadre of copyist?

(*f*) If the answer to (*e*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for introducing the new system?

(*g*) Is it a fact that the Inspector-General of Registration, Bengal, granted an interview to the deputation led by the Secretary, All-Bengal Registration Employees' Association, in August, 1936?

(*h*) Is it a fact that the Inspector-General assured the deputationists that in cases of future vacancies the principle of seniority would be observed?

(*i*) Will the Hon'ble Minister be pleased to lay on the table a statement showing—

(*i*) the names of the copyists in the Calcutta Registration office with their dates of appointment;

(*ii*) the names of extra copyists in the Calcutta Registration office with their dates of appointment;

(*iii*) the number of vacancies filled up since February, 1936, in Calcutta office in the posts of clerks and copyists together

with the names and length of services of such employees; and

(iv) the names of the outsiders and junior hands appointed and promoted in Calcutta office since February, 1936, together with the reasons thereof?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (a) to (d). The member is referred to the replies given to starred question 65 put by Mr. K. C. Ray Chowdhury during the current session.

(e) to (h) The member is referred to the replies given to starred question 26 put by Mr. K. C. Ray Chowdhury during the current session.

(i) The member is referred to the replies given to starred question 27 put by Mr. K. C. Ray Chowdhury during the current session.

Discharges of the Mathabhanga river.

*104. **Maulvi SYED MAJID BAKSH:** (a) Will the Hon'ble Member in charge of the Irrigation Department be pleased to state the amount of water in cusecs that flowed down the mouth of the Mathabhanga—

(i) during the 3rd week of August and September, 1935; and

(ii) during the third week of August and September, 1936?

(b) Has it been ascertained by Irrigation Experts that the increase in the flow of the Mathabhanga has resulted from the washing-away of the sandbank of Kalidaskhali at the mouth of the Mathabhanga?

(c) With reference to the reply to starred question No. 29 of the 20th December, 1934, will the Hon'ble Member be pleased to state whether the washing-away of the sandbank at the mouth of the Mathabhanga was known to the Government as early as December, 1934?

(d) If the answer to (c) is in the affirmative, what effective steps did the Government take to deal with and dispose of the large quantities of flood water entering the Mathabhanga such as that occurred during August and September, 1936?

(e) Had the attention of the Hon'ble Member been drawn to the article written by the questioner about the danger to the Hardinge bridge which was reviewed by Mr. T. A. Curry in February, 1935, in which it was pointed out "we may therefore very well expect that during the next heavy flood season unexpectedly huge quantities of water will enter Mathabhanga and try to seek a passage through the side-channels of Kumar, Ichhamati, the new Ghuznavi Cut and others overflowing in the end the country around with the excess spill-water which these channels will not sufficiently be able to drain out"?

(*f*) Is the Hon'ble Member aware that miles and miles of country on both banks of the Ichhamati, Kabothakhya, Betna have been actually overflowed destroying *en masse* crops, cattle and human habitation rendering thousands of people homeless and destitute?

(*g*) Why did not the Government take timely precaution to prevent this widespread catastrophe?

(*h*) Are the Government considering the desirability of constituting a committee to go into the whole question?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*) The discharges of the Mathabhanga river were—

(*i*) on the 16th August, 1935=22,693 cusecs.
on the 16th September, 1935=9,977 ,,

(*ii*) on the 17th August, 1936=26,028 cusecs.
on the 16th September, 1936=20,407 ,,

(*b*) The increase in the discharge in the Mathabhanga river was mainly due to the high water level in the parent river (the Ganges river), but the erosion of the sand *chur* in the Ganges river near the Mathabhanga off-take also facilitated the inflow into the river.

(*c*) Yes. The erosion of the sand bank had been in progress for some years prior to 1934.

(*d*) The question does not arise as the increase in the discharge was mainly due to the high water level in the Ganges river. In previous times the Mathabhanga river used to carry a much greater discharge than that in 1936, and it used to spill over both banks and into the spill creeks, as a result of which the countryside was healthy and prosperous. In consequence of the deterioration of the river and of the reduction in its spilling, the countryside is now unhealthy and the soil is impoverished.

The present tendency at the off-take to improve should, therefore, be encouraged and not checked, and it is desirable to keep all side creeks open to flow, and to improve the natural distributary channels. The Irrigation Department are exerting their influence to achieve that end.

(*e*) Yes.

(*f*) No. The Collector reports that crops were severely damaged by flood in a few areas only and that there was little loss of cattle. A large number of huts collapsed all over the area flooded.

(*g*) The damage mentioned was largely due to the high flood level in the Ganges river over which the Government have no control.

(*h*) The constitution of such a Committee is not necessary. The Mathabhanga river is an important distributary of the Ganges river and

its improvement is eminently desirable whereby it will be able to carry a discharge greater than that passed into it during 1936. At the same time it is necessary that the spill creeks of the river, the rivers that are fed by it, and the artificial cuts that lead off water from it shall be kept fully open and free from obstructions and also that the river shall be allowed to spill evenly along its course, whereby concentrated flooding in any particular area shall not occur. Also, in order that crops may not be damaged by river spill, early maturing paddy or other crops should be sown which can be harvested before the height of the flood season.

Maulvi SYED MAJID BAKSH: With regard to answer (*a*)(*i*), is it not a fact that in spite of the opinion of the Chief Engineer having been to the contrary, more than 10,000 cusecs of water passed into the Mathabhanga?

The Hon'ble Khwaja Sir NAZIMUDDIN: I do not agree, Sir.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member refer to his answer (*a*) (*i*), and say whether nine subtracted from twenty-two is less than ten?

The Hon'ble Khwaja Sir NAZIMUDDIN: That may be more, Sir, but I do not think that supports anything mentioned in the question.

Maulvi SYED MAJID BAKSH: Does the Hon'ble Member remember that the opinion expressed by the Chief Engineer was that the discharge of water would not be more than 10,000 cusecs?

The Hon'ble Khwaja Sir NAZIMUDDIN: It may be so but this was due to the very high flood level in the Ganges.

Maulvi SYED MAJID BAKSH: With respect to answer (*h*), will the Hon'ble Member kindly say whether improvement in spill waters can be made without increasing the openings in the waterways under the R. B. Railway bunds?

Mr. PRESIDENT: That is an argument, and you are not, as a matter of fact, asking a question. I cannot allow it.

Maulvi SYED MAJID BAKSH: Will the Hon'ble Member ask the Railway authorities to make some arrangement so that more water will pass through the rivers and there will be no more flooding of the areas?

The Hon'ble Khwaja Sir NAZIMUDDIN: The flooding of the areas depends on various causes, and it cannot be said that it was only due to lack of sufficient space in railway openings.

Maulvi SYED MAJID BAKSH: Does the Hon'ble Member admit that if he allows the water to pass through the spilled rivers, it will have to be passed through the railway bridges, and unless the bridges are extended, the water will flood the surrounding tracts?

Mr. PRESIDENT: I do not think that the Hon'ble Member need answer this question. It is an argument and not a question.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Cottage Industries.

60. Mr. KARTICK CHURN MULLICK: (*a*) Will the Hon'ble Minister in charge of the Agriculture and Industries Department be pleased to state—

(*i*) what steps have been, or are being, taken to encourage and revive the cottage industries of Bengal;

(*ii*) what financial support, if any, has been given to any such industry;

(*iii*) whether trained teachers are available for training men or women for these vocations;

(*iv*) whether the Industries Department have made a survey of the position of these small industries and submitted any report to Government; and

(*v*) whether the Government are considering the desirability of protecting these industries by purchasing their productions for use by the Government departments and by suggesting to the proper authorities to levy a tariff on similar articles imported from abroad?

(*b*) Will the Hon'ble Minister be pleased to lay on the table a list of such industries as are at present in existence in Bengal and the conditions under which they are working?

MINISTER in charge of AGRICULTURE and INDUSTRIES DEPARTMENT (the Hon'ble Nawab Sir Mohiuddin Faroqui, of Ratanpur): (*a*)(*i*) The member is referred to the Annual Administration Reports of the Industries Department showing the various steps that have been, or are being, taken to revive the cottage industries of Bengal.

(*ii*) A statement furnishing the information asked for has been placed on the Library table.

(*iii*) The member is referred to the pamphlet entitled "Opportunities for an Industrial Career for Young Men of Bengal," a copy of which has been placed on the Library table.

(*iv*) Yes.

(*v*) The policy of Government is to make purchases of stores for the public service in such a way as to encourage the development of the industries of the country to the utmost possible extent. In this connection the hon'ble member is referred to the Resolutions issued by Government in January, 1933, and August, 1935, copies of which have been placed on the Library table. As regards assistance by means of a protective tariff, the support which the Local Government can give to any proposal for such assistance must depend upon the strength of the case which can be established for the grant of protection to the particular industry concerned.

(*b*) The member is referred to the Report on the Survey of Cottage Industries in Bengal, 1929, which furnishes the information asked for and a copy of which has been placed on the Library table.

Improvement of Ward XIX, Calcutta Corporation.

61. Mr. KARTICK CHURN MULLICK: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government Department be pleased to state, what action, if any, has been taken since his reply to starred question No. 32 put by Dr. B. C. Roy in this Council, on the 27th August, 1924, relating to the removal of the Municipal Railway passing through Ward No. XIX?

(*b*) Is it a fact that Ward No. XIX is affected by Improvement Trust Schemes as resolved upon in a meeting of the Trust Board on the 11th January, 1930?

(*c*) Is it a fact that the Corporation of Calcutta cannot take steps as provided for in the Calcutta Municipal Act for the improvement of *bustees* in this area, as they are affected by the schemes of the Trust?

(*d*) Is it a fact that a conference of Engineers convened by the Calcutta Improvement Trust in 1924, had reported that the drainage and improvement of Ward No. XIX was a most urgent matter from sanitary point of view?

(*e*) Is it a fact that a conference of medical men of Calcutta presided over by Lt.-Col. A. D. Stewart, I.M.S., which was convened at the

instance of the Corporation of Calcutta to enquire and report on the incidence and mortality of Typhoid Fever in 1933, recommended the adoption of certain emergent remedial measures to check the prevalence of such diseases in epidemic form?

(*f*) Is it a fact that neither the Improvement Trust nor the Corporation of Calcutta have yet taken any action on those recommendations?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Minister be pleased to state the reasons for this delay on the part of these bodies?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) The removal of the railway is primarily a matter for the Calcutta Corporation, and the Chief Executive Officer reports as follows:—

> "There is no proposal to remove the Municipal Railway from Ward No. XIX. No refuse will, however, be carried in railway wagons along the railway line between Circular Road and the Chingrighatta Refuse Platform, which is in Ward No. XIX, as soon as motor lorry service is introduced in Districts I and II and the railway line from Circular Road is removed. Steps are being taken for the introduction of lorry service in Districts I and II as early as possible."

(*b*) Yes.

(*c*) Action as provided for in Chapter XXII of the Calcutta Municipal Act, 1923, for the improvement of *bustees* is not generally taken in areas where the schemes of the Calcutta Improvement Trust are in operation or where the Trust is about to commence operations. In the area in question, the owners of most of the insanitary *bustees* have, however, been served with notices for the improvement of their *bustees*.

(*d*) and (*e*) Yes.

(*f*) and (*g*) No. The Calcutta Corporation has taken steps to give effect to some of the recommendations of the Conference, *viz.*, (1) inclusion of Typhoid Fever in the list of dangerous diseases and (2) pushing on inoculation as much as possible. The Corporation has not yet been able to give effect to the main recommendations as it adopted the report of the conference only on the 13th October last.

The Trust is also proceeding northwards from the main sewer in Ballygunge on the lines contemplated in 1930 and it is hoped to reach the boundary of Ward No. XIX in a scheme to be published very shortly. The Trust has meanwhile provided a temporary park in Ward No. XIX.

Conservator of Forests, Bengal.

82. Rai Bahadur SATYENDRA KUMAR DAS: (*a*) Will the Hon'ble Member in charge of the Agriculture and Industries (Forests) Department be pleased to state—

(*i*) who is the present Conservator of Forests, Bengal;

(*ii*) when he joined the Indian Forest Service in Bengal;

(*iii*) how many times he was sick and in hospital on medical grounds;

(*iv*) how long he spent in the hospital each time;

(*v*) how many times on an average during a year the late Conservator of Forests, Bengal, Mr. E. O. Shebbeare, toured in each division; and

(*vi*) how many times the present Conservator toured in each division?

(*b*) Is it a fact that the health of the present incumbent does not suit the climate of Bengal?

(*c*) If the answer to (*b*) is in the affirmative, are the Government considering the desirability of transferring him elsewhere?

MEMBER in charge of ACRICULTURE and INDUSTRIES (FOREST) DEPARTMENT (the Hon'ble Khwaja Sir Nazimuddin): (*a*) (*i*) Mr. Meiklejohn.

(*ii*) 15th April, 1935.

(*iii*) He went into hospital for better treatment on two occasions, but continued to perform his duties all the time he was there.

(*iv*) 15th July, 1935; 19th August, 1935; 16th February, 1936; and 26th January, 1936.

1934-35.

(*v*) Darjeeling	...	10 times
Kalimpong	...	3 ,,
Kurseong	...	8 ,,
Jalpaiguri	...	4 ,,
Buxa	...	3 ,,
Sundarbans	..	1 time
Chittagong	...	3 times
Chittagong Hill Tracts	...	3 ,,
Dacca-Mymensingh	...	2 ,,

1935-36.

(*vi*) Darjeeling	...	7 times
Kalimpong	...	2 ,,
Kurseong	...	5 ,,
Jalpaiguri	...	2 ,,
Buxa	...	1 time
Sundarbans	...	1 ,,
Chittagong	...	1 ,,
Chittagong Hill Tracts		Nil
Dacca-Mymensingh	...	1 time

(*b*) No.

(*c*) Does not arise.

Rai Bahadur KESHAB CHANDRA BANERJI: Is it not a fact that Mr. Meiklejohn could not make an extensive tour on account of continued ill-health?

The Hon'ble Khwaja Sir NAZIMUDDIN: No, Sir; that is not correct.

Forest taxes.

63. Khan Bahadur Haji BADI AHMED CHOWDHURY: (*a*) Is the Hon'ble Member in charge of the Agriculture and Industries (Forests) Department aware that the residents within the Chittagong Hill Tracts are allowed to graze cattle and gather fuels without payment of any tax?

(*b*) Is the Hon'ble Member aware that the Burma Government has exempted the payment of taxes for grazing cattle and gathering fuels within their forests?

(*c*) Are the Government considering the desirability of granting exemption from payment of taxes for grazing cattle and gathering fuels within the forest in the Chittagong district?

(*d*) Is the Hon'ble Member aware that the collection of these small taxes gives rise to troubles, petty criminal cases and free growth of jungles near the paddy fields within the forest?

(*e*) Is the Hon'ble Member aware—

(*i*) that when the price of *muli* bamboo in Chittagong was high, the tax for per 100 bamboos was four annas only; but

(*ii*) that when the price has come down, the tax has been raised from four annas to eight annas?

(*f*) Are the Government considering the desirability of decreasing to the former rate the taxes for per 100 *muli* bamboos?

The Hon'ble Khwaja Sir NAZIMUDDIN: Materials required to answer this question are not readily available and cannot be obtained in time to enable a reply to be given during the current session. Enquiries will be made and a reply furnished as soon as information has been received.

Appointment of Sub-Assistant Surgeons in the Bengal Medical Service.

64. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Local Self-Government (Medical) Department be pleased to state—

(*i*) whether it is a fact that appointments of Sub-Assistant Surgeons in the Bengal Medical Service (Lower) are made on the recommendation of the Selection Board; and

(*ii*) whether it is a fact that there is a feeling of discontent among medical students because of the fact that—

(*A*) selections are not always made on the basis of merits shown by the results of the Faculty Final Examination, and

(*B*) selections are often confined to the Government medical schools?

(*b*) Are the Government considering the desirability of issuing instructions to the Selection Board to select candidates for Bengal Medical Service (Lower) in order of merit as shown by the results in the Final Faculty Examination?

The Hon'ble Sir BIJOY PRASAD SINGH ROY: (*a*) (*i*) No.

(*ii*) (*A*) and (*B*) Government are not aware of any such feeling. Merit, as shown by the results of examinations, is the most important of the many criteria that have to be taken into consideration in making selections.

Selection is not confined to those who have passed out from Government medical schools. The best candidates are selected irrespective of the schools from which they have passed out.

(*b*) Does not arise.

Suicide of Santosh Ganguly in Deoli Camp.

65. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Political Department be pleased to state whether any correspondence has passed between the Government of Bengal and the Government of India regarding the death of Santosh Kumar Ganguly in Deoli Camp?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to lay a copy of the said correspondence on the table?

(*c*) Has there been any official inquiry into the causes leading to the suicide by the said Santosh Ganguly?

(*d*) If the answer to (*c*) is in the affirmative, what is the result of that inquiry?

(*e*) Were the Government of Bengal informed of the state of health of Santosh Ganguly before his death?

(*f*) Was the opinion of the Government of Bengal invited regarding his treatment?

(*g*) Did the Government of Bengal make any suggestion for the operation for Appendicitis being done on Santosh Ganguly in Calcutta?

(*h*) What responsibility, if any, have the Government of Bengal in regard to the health and maintenance of the persons from Bengal detained in the Deoli Camp?

(*i*) Are the Government of Bengal considering the desirability of instituting an inquiry by a committee composed of officials and non-officials into the causes of the suicide by the said Santosh Ganguly?

The Hon'ble Sir ROBERT REID: (*a*) The Local Government have received copies of correspondence on the subject between the Chief Commissioner, Ajmer-Merwara, and the Government of India.

(*b*) No.

(*c*) Yes.

(*d*) The finding was that the detenu committed suicide by hanging.

(*e*) and (*f*) No.

(*g*) No. There is a fully qualified Medical staff at Deoli and a well-equipped hospital at Ajmer.

(*h*) This Government are not responsible for the actual charge and care of these persons when in Deoli.

(*i*) No.

Inspector of Hostels and Messes.

66. Rev. B. A. NAG: (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state—

(*i*) whether there is an officer in Calcutta in the employ of the Education Department with the designation of "The Inspector of Hostels and Messes";

(*ii*) if so, what is the salary paid by the Education Department to this officer;

(*iii*) when and at what age was this incumbent appointed to this post;

(*iv*) was the vacancy advertised;

(*v*) if so, in what papers;

(*vi*) what are his qualifications and past experiences;

(*vii*) where and as what was he working immediately before his appointment to this post;

(*viii*) how many hostels and messes, with their addresses, did he visit and revisit during the session of 1935-36;

(*ix*) whether he always recorded his notes of inspection in Hostel Inspection Books;

(*x*) whether it is a fact that he is not a whole-bodied man, having only the left hand;

(*xi*) whether it is a fact that he constantly suffers from Asthma;

(*xii*) whether he produced any medical certificate when appointed or when he drew his first salary in the present post;

(*xiii*) what is his graded salary; and

(*xiv*) whether it is a fact that when he was returning from England the police discovered in his boxes literature on communism and other similar propaganda?

(*b*) If the answers to (*a*) are in the affirmative, will the Hon'ble Minister be pleased to state the reasons for the appointment of the present incumbent to the post in such close touch with the student community?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) (*i*) No, but there is an officer so designated in the employ of the University of Calcutta.

(*a*) (*ii*) to (*xiii*) and (*b*) As Government have no responsibility in the matter, these questions do not arise.

(*a*) (*xiv*) The information is not at the moment available, but enquiries are being made.

Reverend B. A. NAG: Will the Hon'ble Minister be pleased to state whether it is not a fact that the salary of this officer is spent as an earmarked sum by the Education Department?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I hope my friend is aware of the arrangement between the University and Government, namely, that Government finance certain schemes but leave the question of appointment of the personnel entirely to the University to decide.

Reverend B. A. NAG: If Government have no responsibility in the matter, how is it that they have been pleased to make an enquiry as has been revealed in the answer (*a*) (*xiv*)?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: If my friend will kindly put questions on specific points, I shall be quite prepared to reply to them.

Reverend B. A. NAG: Have Government no responsibility as to how the money contributed by Government is used by the University?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: Government have ultimate responsibility to see that the money is properly spent.

Reverend B. A. NAG: Will the Hon'ble Minister be pleased to make further enquiries to see if this money is being properly utilised?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I have given an answer in detail, and the information which my friend requires is not at present available. If something, however, transpires as a result of the enquiry, requiring Government to enquire further into the matter, Government will not hesitate to do that.

Registering Officers.

67. Babu JITENDRALAL BANNERJEE: (*a*) Has the attention of the Hon'ble Minister in charge of the Education (Registration) Department been drawn to rule 191 of Part VI of the Registration Manual laying down that the registering officer and his establishment should be present in the office from 11 a.m. to 5 p.m.?

(*b*) Is the Hon'ble Minister aware that the registering officers exercise supervision over the work of their establishment?

(*c*) Will the Hon'ble Minister be pleased to state whether any report is submitted by the registering officers to the higher authorities as the working of the offices?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to lay on the table a statement of such reports for the last two years from the Alipore, Calcutta, Dacca, Bogra, Midnapore and Jessore offices?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) to (*d*) The member is referred to the replies given to starred question No. 28, put by Mr. K. C. Ray Chowdhury on the 25th November, 1936.

All-Bengal Registration Employees' Conference.

68. Babu JITENDRALAL BANNERJEE: (*a*) Is the Hon'ble Minister in charge of the Education (Registration) Department aware—

(*i*) that an All-Bengal Registration Employees' Conference was held in Calcutta on the 12th April, 1936; and

(*ii*) that copies of resolutions passed at that Conference were sent to the authorities concerned?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Minister be pleased to state what action, if any, has been taken on the resolutions? If not, why not?

(*c*) If no action has been taken, what are the reasons thereof?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: The member is referred to the replies given to starred question No. 29, put by Mr. K. C. Ray Chowdhury on the 25th November, 1936.

Dafadars and chowkidars.

69. Khan Bahadur Haji BADI AHMED CHOWDHURY: (*a*) Will the Hon'ble Member in charge of the Police Department be pleased to state—

(*i*) whether it is a fact that the pay of the Police within the municipality in Bengal is paid by the Government;

(*ii*) whether it is a fact that the taxes realised from the municipality are spent for the improvement of Public Works for the benefit of the residents of the town;

(*iii*) whether it is also a fact that in the mufassal area the pay of the chaukidars of union boards are paid from the taxes realised from the villages;

(*iv*) what is the total amount of money paid annually by the Government as pay of the Police within the municipalities in Bengal including Calcutta Corporation; and

(*v*) what is the total amount of money paid annually as pay of the chaukidars in Bengal?

(*b*) Has the attention of the Government been drawn to resolution No. 10, passed unanimously in the District Conference of Presidents and members of Union Boards presided over by the District Magistrate, in 1933, in Chittagong, urging the Government to pay the salaries of dafadars and chaukidars?

(*c*) If the answer to (*b*) is in the affirmative, what action do the Government propose taking in the matter?

(*d*) Are the Government considering the desirability of utilising the money of the union boards which goes towards the chaukidari establishment for the improvement of rural area of Bengal?

The Hon'ble Sir ROBERT REID: (*i*) Yes.

(*ii*) The purposes for which the municipal fund is applicable are laid down in section 108 of the Bengal Municipal Act, 1932.

(*iii*) Yes.

(*iv*) The information is not readily available and its collection would entail so much time, labour and expense that Government regret that they are not prepared to undertake the task.

(*v*) Separate figures for pay are not available, but inclusive of the charges for equipment, the total cost of chaukidars and dafadars in 1935 amounted to Rs. 54,56,293.

(*b*) Yes.

(*c*) None; as Government do not accept the principle underlying the resolution in question regarding their responsibility in the matter.

(*d*) No.

Staff for training detenus.

70. Maulvi MUHAMMAD FAZLULLAH: (*a*) With reference to the answer given on the 11th November, 1936, to clauses (*b*) (*c*) and (*d*) of starred question No. 12, will the Hon'ble Member in charge of the Political Department be pleased to state—

(*i*) the names of the personnel of the staff;

(*ii*) how many of them are Muhammadans; and

(*iii*) from which department these appointments were made?

(*b*) Is it a fact that almost all of them are related to the editors of newspapers or have been appointed on the recommendation of such editors?

The Hon'ble Sir ROBERT REID: (*a*) (*i*) A statement has been placed on the Library table.

(*ii*) Four.

(*iii*) Mainly from personnel serving under the Department of Agriculture and Industries.

(*b*) No.

Estate Lanes within Calcutta Corporation.

71. Mr. KARTICK CHURN MULLICK (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state the number of "Estates Lanes" in the urban areas, within the jurisdiction of the Corporation of Calcutta, which were curved out of *khas mahal* lands and used as thoroughfares for the public and shown in Smart's Survey map, with different holdings?

(*b*) Is it a fact that the Corporation of Calcutta have been issuing notices under section 317 of the Calcutta Municipal Act to improve some of these Estate Lanes on the ground that they are kept in an insanitary condition?

(*c*) Is it a fact that Government and not the Corporation, are responsible for maintaining and keeping the lanes in proper condition, in the interests of the *khas mahal* tenants who are also ratepayers of the Calcutta Corporation?

(*d*) How many such notices were issued during the last 6 years by the Corporation to the Collector of the 24-Parganas and in respect of what particular "estate lanes"?

(*e*) What action have been taken by the Government on these notices?

(*f*) Have there been cases of encroachment in respect of some of these lanes?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) their names; and

(*ii*) the action taken to remove the encroachments?

(*h*) How many of these "estate lanes" have been made over to the Corporation of Calcutta?

(*i*) Are the Government considering the desirability of handing over other such lanes to the Corporation for their maintenance and improvement?

MEMBER in charge of REVENUE DEPARTMENT (the Hon'ble Sir Brojendra Lal Mitter): (*a*) 144 Estate Lanes each bearing a holding number and created out of permanently settled holdings of Estate Panchannagram.

(*b*) Yes, in a few cases.

(*c*) Yes, as long as they are under the control of Government.

(*d*) Ten. Particulars of the estates in respect of which notices were issued are not readily available.

(*e*) Some of these lanes have been already made over to the Corporation. Action is being taken to hand over the others to them.

(*f*) Yes.

(*g*) (*i*) Estate lanes bear no names.

(*ii*) A test case was filed in the Civil Court to remove the encroachment, but the case was decreed in favour of the trespasser. At present, two criminal cases are pending before the Police Magistrate, Sealdah.

(*h*) Three. Some more Estate Lanes are in the *de-facto* control of the Corporation of Calcutta, though these have not formally been made over to them.

(*i*) Yes.

Zemindars of Bengal.

72. Babu KISHORI MOHAN CHAUDHURI: (*a*) Is the Hon'ble Member in charge of the Revenue Department aware—

(*i*) that in Bengal nearly all the zemindars are in debt; and

(*ii*) that the Government can raise a loan on a very small rate of interest?

(*b*) Are the Government aware that zemindars have to take loans on such rates of interest as to reduce the chances of repayment?

(*c*) Are the Government considering the desirability of—

(*i*) making a thorough and searching enquiry into the rent roll and other assets of the estate; and

(*ii*) raising a loan to lend the money directly to the zemindars after leaving a substantial margin?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*) Government have received representations to this effect from some zemindars' associations.

(*a*) (*ii*) and (*c*) (*ii*) Government have not found it easy to raise loans at low rates of interest for wards estates and would not be justified in pledging the public revenue on the security of private estates whose financial position is not known.

(*b*) Government have no definite information on this point but presumably the rates of interest obtainable correspond to the security offered.

(*c*) (*i*) No.

Bhowal Forests.

***73. Rai Bahadur SATYENDRA KUMAR DAS:** (*a*) Will the Hon'ble Member in charge of the Agriculture and Industries (Forest) Department be pleased to state—

(*i*) what amount of profit are the Government getting from Bhowal and Attiah forests for the last 5 years;

(*ii*) how many Government elephants are sent to the Bhowal Forests;

(*iii*) what is the rule for hiring elephants by Government during Kheda operations;

(*iv*) how many elephants were hired for the Chittagong Kheda by the late Mr. A. T. Marchant; and

(*v*) what amount of monthly hire charges excluding the feeding and keeping of elephants are given to the owner of the elephants?

(*b*) Are the Government contemplating realising the amount of hiring charges from the Bhowal Estate for supplying two Government elephants for the use of the Divisional Forest Officer, Dacca-Mymensingh Division?

(*c*) Is the Hon'ble Member aware that the profit paid by the Bhowal Estate is not adequate for the hiring charges of the elephants?

The Hon'ble Khwaja Sir NAZIMUDDIN: (*a*)(*i*) A statement showing the profits and deficits on the working of the Bhowal and Attiah forests and the supervision charges paid to Government is placed on the Library table.

(*ii*) Two.

(*iii*) There is no such rule.

(*iv*) Fourteen.

(*v*) No rates are laid down.

(*b*) No. The charges for the upkeep of the elephants are, however, being recovered from the Bhowal estate as the elephants are required for the management of Bhowal forests.

(*c*) Does not arise.

GOVERNMENT BUSINESS

LEGISLATIVE BUSINESS

GOVERNMENT BILL.

The Bengal Non-Agricultural Lands Assessment Bill, 1936.

Mr. PRESIDENT: Yesterday afternoon the House adjourned when we were discussing item No. 99 and I think Mr. P. Banerji was in possession of the House. I now call upon him to continue his speech.

Mr. P. BANERJI: Yesterday afternoon I was submitting to this House about the difficulty of the house-owners of these areas who may be shut out for all time to come even in cases of emergency from obtaining any accommodation whatsoever. At the same time land values will go down for all time to come. That was so far as regards the transferers. I also submitted that the burden will ultimately fall upon the people in general, because if there is no proper value of the land then ultimately the Government's desire will be fulfilled. Government will enhance the rate and will not allow any concession whatsoever and these lands will be sold and Government will re-sell them at a high price. That policy of the Government should always be deprecated. The State should not be so mean as that. It will be noticed from previous records that these lands existed and were owned by people even before 1831. In several cases the Government purchased the rights when they were sold,—that was in 1831. After 1831 many of these lands came in the possession of Government before the introduction of the Bengal Tenancy Act. Now, Sir, that shows that Government had no right whatsoever. If I may just submit to you, Sir, the facts, the idea on the part of the Government officials will be disclosed. Years ago in 1914 at the time of the settlement some of the remarks of the Government officers when making the settlement may be quoted by me. They said that the tenants had been holding the lands for a long time. The Settlement Officer in Dacca did not face battle for a fair assessment but concluded settlements in which he won the *first move of the game*. He obtained the tenants' acceptance of the small enhancements so that when the real contests came they would not be able to put forward a claim that their rents were fixed in perpetuity.

Now, Sir, these innocent people not knowing their position—and like the Hon'ble Member in charge not knowing law as he maintains that law is not common sense but very much more than that (as he said that in the course of his speech)—were threatened and persuaded to come to a compromise; and these poor people naturally agreed to a compromise with the Government for fear of losing their property. That being the case Government agreed to their request for a small settlement of two annas. That is the evil spirit of the entry, which has been disclosed from the report of the Settlement Officer to which I have just referred. These poor people would not challenge them in any court of law. In this law the object of the Government is to shut out everybody and particularly appeals in respect of enhancement of rent. If these enhancements be brought before a court of law, Government will be hopelessly defeated. After the tenants' agreement was taken, they subsequently refused to execute *kabulyats* in conformity with the Transfer of Property Act of which the Hon'ble Member made so much. So far as lands in Wari are concerned, they are governed in some cases by the Transfer of Property Act, but so

far as other lands are concerned they are not so governed. The agreements where entered into were mere verbal ones and could not be accepted in any court of law. It was not up to the tenants to execute these *kabulyats* because these rights existed from time immemorial even before the introduction of the Bengal Tenancy Act and even before Regulation VII of 1822 was passed. I submit, Sir, that such being the case, the State should not have taken recourse to such tactics in order to lure these poor people by threats and vague hopes to enter into an agreement.

Sir, as you all know, the history of the British rule in India has throughout been a history of broken pledges. That may be a political matter. But there is no necessity especially now when everyone is hard hit to oppress the people in the way that the Bill proposes to do. The Hon'ble Member in charge and other members who have supported the Bill do not seem to feel for the poor people. They think anyhow of making a gain. They consider that it is their duty to support the Government. I appeal to the European members who know the condition of the *raiyats* as some of them represent the jute interest and also know the position of Dacca. The Hon'ble Member said the other day that the position of Dacca was a very good one as factories have grown up along the embankment of the river. I may submit, Sir, that long before Calcutta came into existence there was a town of Dacca. Long before the British came to India, Europeans from other parts visited Dacca and settled there. These people not only visited Dacca but began trading there long before the British came there. From that time up till now, during the continuance of the British rule in India, Dacca has not improved a bit commercially. Therefore the argument put forward by the Hon'ble Member cannot stand for a moment. I can tell him that no jute mill stands on the river bank at Dacca. What is the reason? There are jute mills in Narayanganj and other places, but so far as Dacca is concerned it has not improved in any way.

Sir, I admit that the Hon'ble Member has agreed to an abatement of two-thirds in respect of those people who use their houses for their own residential purposes as well as their successors. Sir, let us consider for a moment what will be the position as a result of this. I can just submit to you some of the arguments that strike me. Supposing a Government servant who has built himself a house in Dacca for residential purposes is transferred to Midnapore. What will happen? He has got to let out his house and there is no way out of it. He has to hire a house in Midnapore while during his absence the Dacca Municipality will not exempt him from payment of rates and taxes. He has therefore to let out his house. If he be not entitled to these benefits, what will happen? He will not be in a position to get anything out of his house because the enhancement, as I have already

pointed out, will be 5,000 per cent. at 2 per cent. and something like 13,000 per cent. at 4 per cent. In the case of a widow owning a house she has to let out a certain portion of the property in order to make a living out of it, as also to pay the municipal rates and taxes. Then let us take the case of the *Debattar* property. Under the trust deed whatever income is derived from that property by letting out certain portions go for the performance of religious rites and the payment of expenses of the priest, etc. A difficulty will arise because nowhere these religious rites, etc., are mentioned in the provisions. When these difficulties will arise the Hon'ble Member in charge will not be here to see them as he will be thousands of miles away——

The Hon'ble Sir BROJENDRA LAL MITTER: These imaginary difficulties will never arise.

Mr. P. BANERJI: As I have submitted to you, Sir, Government Members especially lawyers do not see beyond their noses with the result that they always do the right thing at the wrong moment. We know that from our past experience and we cannot forget it. Our experience should be considered to be of greater value than that of the Hon'ble Member who is here only for a short time. Sir, there has been a world-wide agitation against this Bill. It is a pernicious measure—the most pernicious of the measures that have ever been conceived and it should never have been brought forward. When it was brought to the notice of late Sir Provash Mitter about a particular measure which he brought forward that it was pernicious, he being a member of the landed aristrocracy conceded to our request and withdrew it. But the Hon'ble Member in charge not being in any way connected with the landed aristocracy—he is more a lawyer than anything else—seems to have no sympathy for the suffering people. He would not listen to our cry; it should have been at least an eye-opener. Government never sustained a defeat but the Hon'ble Member had to sustain one on this occasion. That should have been an eye-opener to him. Under the present regime the Hon'ble Member can turn a deaf ear to the appeal from this side of the House or from the public in general. I appeal to the members of the House and particularly to the European members that on this occasion they should not support this pernicious measure, I may say this kick of the parting Government. I appeal to the European members to consider carefully before casting their vote in favour of Government proposal as Europeans understand the value of pound shilling and pence more than the Hon'ble Member. They can well realise how the people in the countryside will be hard hit. I repeat once again not to support this pernicious measure which is opposed by both the Hindus and Muhammadans but to support my motion.

Rai Bahadur KESHAB CHANDRA BANERJI: I rise to support the amendment. The amendment may be divided into two parts. The first part deals not with the actual tenants but those who have been in occupation of the house as rented tenants and the second part deals with the proportion that is to be granted for abatement. Clause 10A(1) as embodied in the Bill by the Select Committee deals with only the actual original lessees but not with those who have been in occupation on account of the house being let out to them. I shall not speak on clause 10 A (2) because Mr. Banerji has already dwelt at length with the points therein raised. In the Bill provision has been made for granting rebate of not less than two-thirds of the difference but the amendment asks for a rebate of three-fourths. It is a very modest demand and I think the Hon'ble Member will do well to accept the suggestion. Government will not gain much if the original recommendation of the Select Committee stands whereas the tenants will be greatly benefited if the proportion is raised from two-thirds to three-fourths. I am glad that the Hon'ble Member is agreeable to grant an abatement of two-thirds of the difference between the amount of rent which was payable by a tenant before the order under section 3 was made and the amount payable by a tenant of the highest degree in respect of such land or part of it but those to whom the house has been let out are practically in the same position as the original lessee. There are instances to show that the original lessee, I may state from my experience of my own town of Dacca, living far away from the town probably carrying on some business in a distant part of the province, has let out to a suitable person for which a modest rent is received. There are again cases in which a tenant paying only a moderate rent to the original lessee or the successor of the original lessee who is a widow or a disabled person, in such cases this clause will operate harshly. I do not think I need elaborate this point further. I made it perfectly clear the other day that with the object of bringing such cases to the notice that this amendment has been moved. I hope the Hon'ble Member will kindly accept this amendment.

The Hon'ble Sir BROJENDRA LAL MITTER: The limit of concession which Government is prepared to make is contained in clause 10A and I may say here that I am prepared to extend the concession to transferees and their descendants who are in *bona fide* occupation of houses for residential purposes but not to the people who are making profit by letting out the houses or otherwise. The amendment wants to extend the concession to people who are using the land and the building for profit. In such cases Government will insist upon their fair share.

As regards the poor widow, hon'ble members will see that the concession under clause 10A is the minimum. Mr. Tyson, the Collector of Dacca, I am sure will, in a proper case, give adequate relief to the poor widow. It has been assumed all through by Mr. P. Banerji that every Government officer is going to administer this law in a hostile spirit for the purpose of turning out tenants from Government lands. I entirely repudiate this suggestion. The happiest tenants are those who hold land under Government and not those who hold land under zemindars. Where is the incidence of tenancy easier? Certainly in Government land. I do not propose to deal with arguments which are based upon the suggestion that every Government officer is going to be oppressive. The intention of Government is to retain the tenants and not to disturb them; but, at the same time, Government want to secure public revenues by getting a fair share of the natural increase. I oppose this amendment.

The motion was then put and lost.

Short Notice Amendment.

Mr. J. B. KINDERSLEY: Sir, I beg to move a short notice amendment that in sub-clause (2) of clause 10A, line 4, the words "at the time when the first order under section 3 is made in respect of the land after the commencement of this Act" be omitted.

The effect of this amendment will be to extend the concessions given by this section to those who have purchased the land or to whom it has been transferred by gift or by mortgage so long as they are in genuine possession. This amendment will give effect to the promise made by the Hon'ble Member in charge a minute ago.

The motion was put and agreed to.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that in clause 10A(*1*), in lines 1 and 2, after the words "where land has been leased to any person for residential purposes" the words "or used for residential purposes" be inserted.

Sir, I have proposed this amendment in order to make the language of the clause clear so that from its wording it may not be misinterpreted.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I think the language, as it is, is quite clear, but I have no objection to accept the amendment.

The motion was put and agreed to.

Rai Bahadur SATYENDRA KUMAR DAS: I beg to move that in clause 10A(1), in line 3, for the word "occupied" the word "possessed" be substituted.

Sir, in doing so I submit that from clause 10 of the Bill it appears that the benefit of this clause would be given to the lessees only so long as such land or any part therof is occupied by such lessees or their successors by inheritance. From an interpretation of this clause it will appear that it will exclude the possession of the lessees or their successors when the land is let out. Or, in other words, if a tenant lets out the house which he has been using for residential purposes, he will not be allowed an abatement of revenue. If this clause is restricted to actual occupation by the lessees, undoubtedly it will cause very much hardship to the tenants, especially to the tenants living in urban areas. Sir, certain concrete instances will clarify the position. A tenant when in affluent circumstances has constructed a decent house, but when in pecuniary difficulties he may be compelled to let it out in part or in full for his maintenance. Then, again, if a tenant while living in his own house and in service is transferred elsewhere and is thereby compelled to leave his house with his family or if he has to leave his house for recouping his health or for similar other reasons, is his residential house to remain vacant? Take another case. Suppose a tenant under pecuniary difficulties is compelled to let out his house to maintain his family. Would it be equitable to deprive the family of their means of maintaining themselves by letting out the house and living elsewhere? If tenants are compelled to go elsewhere by forced circumstances would the houses be kept vacant? Meanwhile the municipal taxes, &c., shall have to be paid. If the house is kept vacant, it shall fall into decay, and the cost of repairs and other costs have to be met and all these have to be incurred on account of the tenant's compulsory absence, but the tenant would be debarred from deriving any income for meeting such costs, for as soon as he lets out his own house, he would be deprived of the abatement of revenue. Sir, as soon as the tenant lets out his house, its rent would be increased under this clause. Is it an equitable proposition? Would the rent be decreased when the tenant comes back and occupies his house? The retention of the clause would lead to an anomaly as stated above. The substitution of the word "possessed" for the word "occupied" as suggested in my amendment will I am sure remove this anomaly.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I oppose this amendment for the simple reason that the word "possession" is one of the most difficult words in law. I shall read to honourable members two sentences from a standard book on Jurisprudence. "In the whole range of legal theory there is no conception more difficult than that of possession. The Roman lawyers brought their usual acumen to the analysis of it, and since their day the problem has formed the subject of a voluminous literature, while it still continues to tax the ingenuity of jurists." Therefore, let not my friend or this Council play with this word. It is after considerable consideration that we chose the

word "occupation" as the proper word. If you substitute the word "possession" here, it will lead to endless complications. It may be direct possession or it may be indirect possession or it may be notional possession or it may be symbolic possession, there are possessions of various kinds. But with regard to the word "occupation" there is no difficulty.

The motion was then put and lost.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, as Babu Khetter Mohan Ray who gave notice of this amendment is absent, may I move it as an amendment of my own?

Mr. PRESIDENT: Yes, you have my permission to do so.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that to clause 10A, the following explanations be added at the end, namely:—

"*Explanation 1.*—The temporary cessation of occupation due to letting out temporarily the homesteads either in full or in part shall not be a ground for depriving the tenant of the benefit of section 10A unless the tenant is deprived of the occupation of the land permanently.

Explanation 2.—'Lands leased to any person for residential purposes' include lands used for residential purposes from time immemorial."

Sir, the object of this amendment is obvious and I do not want to waste the time of the Council by making a speech.

The Hon'ble Sir BROJENDRA LAL MITTER: I oppose this amendment.

The motion was then put and lost.

The motion that clause 10A, as amended, stand part of the Bill was then put and agreed to.

Clause 11.

Mr. P. BANERJI: Sir, I beg to move that in clause 11, line 1, the words "before or" be omitted.

Sir, the Hon'ble Member will realise that the object of this amendment is very simple. It will make the clause read thus: "Nothing in any contract made after the commencement of this Act shall affect the provisions of sections 9 and 10." I consider that there is no point in giving this clause a retrospective effect. So I hope the Hon'ble Member will be pleased to accept the amendment.

Mr. J. B. KINDERSLEY: Sir, I oppose this amendment. I do not think Mr. P. Banerji has quite understood the object of this clause. It is to make the position with regard to sections 9 and 10 clear without any possibility of misunderstanding. By sections 9 and 10 Government are empowered to collect an estimated rent from a tenant of the highest degree, and if the original tenant of the highest degree declines to accept it he goes out, and Government may collect the rent or revenue from the next tenant below. If there was a contract between the next tenant below and the tenant of the highest degree and such contract subsisted, there would be difficulty. The tenant would be paying to Government the full rent and would be bound to pay to the lessee rent in addition Obviously this would be grossly unfair, and therefore this section has been inserted to make it clear so that that tenant may not have to pay twice over.

The motion was put and lost.

The motion that clauses 11, 11A and 12 stand part of the Bill was then put and agreed to.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move formally that for sub-clause (*1*) of clause 13, the following be substituted, namely:—

"13 (*1*) Any person aggrieved by an entry of rent settled under this Act and incorporated in a record-of-rights finally published under sub-section (*2*) of section 3AA or by an omission to settle rent under this Act and to incorporate the same in the record-of-rights, may institute a suit in a Civil Court which would have jurisdiction to entertain a suit for the possession of the land to which the entry relates."

Mr. J. B. KINDERSLEY: May I make a point of order over this first? It has been decided in this House that rent should not be incorporated in the record-of-rights. Therefore I think that this amendment cannot be moved on that ground alone. The House accepted the word "estimate" but later on declined to incorporate it in the record-of-rights.

Rai Bahadur KESHAB CHANDRA BANERJI: In that view of the matter I withdraw my motion.

The motion was then, by leave of the House, withdrawn.

Rai Bahadur KESHAB CHANDRA BANERJI: I beg to move that after clause 13(*3*)(*f*) the following be added, namely:—

"(*g*) that the rent settled is not fair and equitable."

In this connection I desire to call attention to section 13 as incorporated in this Bill. Clause 13 prescribes the conditions under which

a civil suit may be instituted against a decision of the assessing authority. But the most important point has been left out from that clause, namely, the rent assessed by the Revenue Officer. Sir, the civil courts exist for the benefit of the people and if the Government have no faith in these courts which are established by themselves, then they should abolish them. But so long as civil courts do exist I cannot understand why the person aggrieved should be debarred from preferring an appeal against a decision of the lower court or the assessing authority. My amendment aims at including a provision that the rent settled is not fair and equitable. Whatever rent may be assessed by the Revenue Officer may be questioned in a court of law and where this provision for assessment has been made there is no reason why the assessee should not be given the privilege of questioning the legality of the rent assessed against him.

The Hon'ble Sir BROJENDRA LAL MITTER: I oppose the amendment. The Rai Bahadur says that he could not understand why civil courts should be excluded. I am sorry for him, because that has been the policy of Government for certainly over a century. But I need only refer to Regulation VII of 1882;—the Regulation to supplement which this Bill has been introduced. Now, clause 14 of that Regulation says this:

"Nothing herein contained shall be understood to authorise any court to interfere with the decision of the Revenue Authority relative to the *jumma* to be assessed on any *mahal* or portion of a *mahal* or to the extent and description of lands belonging to any *mahal* that may be assigned on the portion of the same to the several parceners concerned."

It has been for over a century the policy of Government not to allow civil courts to interfere in the matter of assessment of revenue; there is nothing new in this. It is only a repetition of what already exists under Regulation VII of 1892. I therefore oppose the amendment.

The motion was put and lost.

Dr. NARESH CHADRA SEN GUPTA: I beg to move that after clause 13 (3) (*f*) the following be added, namely:—

"(*g*) that the assessment made has been in contravention of any provision of this Act or in breach of any contract."

Sir, I had no intention of taking any further part in the discussion of this Bill after the discussion of yesterday. But still I think I must move this amendment, if for nothing else, only for this, that is, to give the Government an opportunity to be at least just if they choose.

The grounds upon which a civil suit can be instituted have been formulated. On these grounds and these grounds alone under section 13 a suit should lie in the civil court, namely:—

(*a*) that the land is not liable to the payment of rent;

(*b*) that the relation of landlord and tenant does not exist;

(*c*) that in the record-of-rights the land has been wrongly recorded as part of a particular estate or tenancy or wrongly omitted from the lands of an estate or tenancy;

(*d*) that in the record-of-rights there has been any omission of an under-tenant or such under-tenant has been wrongly recorded as holding the land rent-free;

(*dd*) that in the record-of-rights the special conditions and incidents of the tenancy have not been recorded or have been wrongly recorded;

(*ddd*) that in the record-of-rights any right of way or other easement attaching to the land has not been recorded or has been wrongly recorded;

(*e*) that the land has been wrongly recorded in the roll as non-agricultural land;

(*f*) that there has been an omission to estimate fair and equitable rents in respect of any land under this Act.

But suppose the Settlement Officer has proceeded to estimate the so-called fair and equitable rent without conforming to any of the provisions of this Act absolutely arbitrarily. This amendment would then provide that where assessments have been made in contravention of any provision of this Act, and not otherwise, then that assessment can be called into question in a civil court. It is perfectly true, as the Hon'ble Sir B. L. Mitter has said, that when an assessment has been made it has been the policy of Government all along that the assessment of revenue should not be called in question in a civil court. But it has also always been the policy and it has also always been the law that when rent has been assessed without following but in actual contravention of any provision of the Act, the courts have intervened; when anything has been done by any revenue authority without conforming to the provisions laid down in the law, probably the courts have intervened not only in respect of assessment of revenue or rent, but also in numerous other matters, where ordinarily the decisions of revenue authorities are final. Whatever might be laid down in this Bill and in spite of the limitation placed by section 13 of this Bill I take it that where a revenue officer proceeds in disregard of the provisions of this Act, which are mandatory, the courts will assume jurisdiction on the ground that the act of the Revenue Authority is altogether *ultra vires*. They have done so in the past and they will

be doing so in the future, let us hope. Therefore, I seek to provide by this amendment what is an accepted principle of the law that when a public officer who is required to do certain acts according to certain procedure laid down in the Statute, and after taking into account certain things which is bound to take into account, does not do so, and acts without jurisdiction—there is no reason whatsoever that in such a case a civil suit should not lie. For instance, section 4 of the Bill requires that the Revenue Officer shall take into consideration certain facts. Suppose that after the record-of-rights is prepared the Settlement Officer forthwith proceeds to settle a rent which he thinks to be fair, without taking any evidence with regard to any one of the items in clause 4; I submit it would then be a matter entirely for the civil court to consider whether he is entitled to assess, whether he has jurisdiction to assess any rent without following the procedure laid down for such a case. This amendment seeks to provide that the court should have jurisdiction, that a suit would lie on the ground that the assessment that has been made has been made in contravention of any of the provisions of the Act or in breach of any contract. Next, it is possible that assessment may be made under this Act in breach of a contract. Suppose that Government enter into a contract or a lease. I take it that in spite of anything contained in this Act, that contract would be binding, and suppose that Government is precluded from enhancing the rent within a particular period but nevertheless do enhance the rent; in that case ordinarily a suit would lie for the enforcement of the contract and for an injunction to restrain the Settlement Officer or the Government from doing so. But if you say that clause 13 exhausts all the cases in which a civil suit would lie, then what about the case in which there has been a breach of the contract? You cannot say that merely because an order has been made under this clause the case cannot be brought to any civil court under clause 13 and therefore no civil suit would lie! Where there has been a breach of an existing contract by Government or where the assessment is contrary to the provision of law it should be open to the court to say that it is contrary to the provisions of the law or a breach of the contract, and therefore it is invalid. The court certainly will not proceed to assess a fair rent. It will simply say that the assessment is not fair but invalid. It is entirely for the civil court and civil court alone to decide the matter and no other authority can do so. For these reasons I move this amendment.

The Hon'ble Sir BROJENDRA LAL MITTER: I oppose this amendment on two grounds: first, it is vague and secondly, it is unnecessary.

Dr. NARESH CHANDRA SEN GUPTA: Unnecessary!

The Hon'ble Sir BROJENDRA LAL MITTER: Yes, absolutely unnecessary. I will deal with the second point first, that it is unnecessary. It is unnecessary for this reason. If an act is done in contravention of this Act then certainly that is not done under this Act. Therefore exclusion of the jurisdiction of the civil court under this Act will not come into operation at all, the whole thing being outside the Act. Therefore the amendment is unnecessary. If a thing is done which is illegal, then, the civil court has got the power to adjudicate upon it: it is not necessary to provide for it. If it is within the scope of this Bill the jurisdiction of the civil court is excluded.

Then I come to the vagueness. It is one of the objects of legislation to make the law certain. In clause 13 we have made meticulous provision for all possible cases of grievance in which a civil suit will lie. "Contravention of this Act," is too wide and good legislation should avoid it. On these two grounds I oppose the amendment.

The motion was put and lost.

The motion that clause 13 stand part of the Bill was then put and agreed to.

Clause 14.

The motion that clause 14 stand part of the Bill was then put and agreed to.

Clause 14A.

The motion that clause 14A stand part of the Bill was then put and agreed to.

Clause 14B.

Dr. NARESH CHANDRA SEN GUPTA: Sir, I beg to move that clause 14B be omited.

Sir, if the House will look into section 3 under which the record-of-rights is prepared, it will be found that when an order has been made under section 101 of the Bengal Tenancy Act, 1885, or under section 3A, in respect of any local area, estate, tenure or part thereof of which a settlement of land revenue is being or is about to be made, the Local Government may make an order directing the Revenue officer, after recording under section 102 of the said Act or under section 3A those particulars which are relevant, and after publishing the draft

of the record-of-rights. As the record-of-rights will be prepared in the form specified in this section it appears that the procedure with regard to the record-of-rights will be the same as under the Bengal Tenancy Act. That Act provides that when there is an entry in a record-of-rights which is made erroneously after the final publication, a suit may be instituted under section 106 before the revenue authorities and that suit may go on appeal to a special judge and may even go to the High Court on second appeal. This section, namely 3 of the Bill, as it stands, does not provide for the procedure laid down in section 106 of the Bengal Tenancy Act. Therefore, after the preparation of the record-of-rights there is a right of having the matter adjudicated upon by a proper judicial authority whether the entry in the record-of-rights is correct or not. But, Sir, the Bill does provide for that right. Therefore, in the Bengal Tenancy Act there is no separate right to bring a suit except——

Mr. J. B. KINDERSLEY: Sir, may I interrupt and call Dr. Sen Gupta's attention to section 13 of the present Bill?

Dr. NARESH CHANDRA SEN GUPTA: Sir, Mr. Kindersley refers me to section 13 and that is the clause which we have just considered and in respect of which I should not have liked to use the expression in respect of the Hon'ble Sir B. L. Mitter that he has successfully hoodwinked this House. (Hear, hear). He said that whenever an act is done in contravention of the provisions of any Act it becomes *ultra vires*. Certainly I cannot believe that Sir B. L. Mitter really believes that everything which is done in contravention of any Act becomes *ultra vires*.

The Hon'ble Sir BROJENDRA LAL MITTER: I never used the expression *ultra vires*.

Dr. NARESH CHANDRA SEN GUPTA: Again, Sir, the Hon'ble Member takes advantage of the general ignorance of some of the members of the House as to the use of the expression *ultra vires*. He says that he has not used that expression. He has said that if a thing was done in contravention of what is laid down under this Act can be contested in a court of law; that is a jugglery of words, pure and simple. If an entry is made in the record-of-rights which is erroneous and against the law, it is made in contravention of the provision of this Act, but it will not be open to be contested by a suit under section 13. Therefore I think that the provision in the Bengal Tenancy Act

should be followed. Under the Bengal Tenancy Act the entry in the record-of-rights is of presumptive value. So, in any title suit the entry under section 103 can be challenged in a court of law and you can get over the presumption of the record-of-right. Here what is the position? There is no section 106. The suit under section 13 is very much limited and section 14B absolutely shuts out a civil suit. I submit this is perfectly in accord with the policy of Government not of a century old but of recent growth, a policy which, if logically pursued, would mean the shutting out of the civil court. I would welcome any frank attempt on the part of the Government to shut out the civil court but this is a flank attack upon the civil court and upon this ground I propose the motion.

Mr. J. B. KINDERSLEY: Sir, I beg to oppose this amendment. I think it has been moved by Dr. Sen Gupta under a misapprehension that it is simply a clause of the Bengal Tenancy Act which has been brought in here in order that procedure may be the same. He has referred to the record-of-rights prepared under section 3A. If I may explain, the Tenancy Act can be used for the preparation of a record-of-rights in all areas where no special notification has been issued to exclude its operation. There are some areas in Calcutta for which it may be necessary to prepare a record-of-rights. As the Tenancy Act does apply to Calcutta, we have provided in section 3A for the preparation of a record-of-rights in such areas. The bar to the civil court's jurisdiction is not a bar with regard to an entry in the record, but only a bar with regard to the framing of the record, the publication of it, the signing of it, the attestation of it, or an order of Government directing the preparation of it. We deprive nobody of any right to have a wrong entry corrected. So, I oppose the motion.

The motion was then put and lost.

Clause 14B.

The motion that clause 14B stand part of the Bill was then put and agreed to.

Clause 15.

The motion that clause 15 stand part of the Bill was then put and agreed to.

Clause 16.

The motion that clause 16 stand part of the Bill was then put and agreed to.

Clause 17.

The motion that clause 17 stand part of the Bill was then put and agreed to.

Clause 18.

The motion that clause 18 stand part of the Bill was then put and agreed to.

Clause 19.

The motion that clause 19 stand part of the Bill was then put and agreed to.

Clause 20.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg to move that clause 20(*2*) (*bbb*) be omitted.

Sir, in this connection I would like to draw the attention of the House to the first report of the Select Committee in which that Committee stated their views regarding clause 4. This is what they said:

"We have made this clause more explicit by omitting the provision that the Revenue Officer shall be guided by rules made by the Local Government, as we consider that this provision gives too wide a power to the Local Government".

Sir, it will appear from clause 4 of the Bill as amended by the first Select Committee the words in line 2, namely, "be guided by such rules as the Local Government may make in this behalf and shall as far as possible", are enclosed within square brackets, meaning thereby that these lines are to be omitted. Now in clause 20 the words "carrying out the purposes of section 4" have been incorporated by the second Select Committee. In their report the Select Committee gave an indication of their willingness to expunge these words so that nothing should be left to the Local Government regarding the framing of rules under this particular section. Now we find that these words have again been incorporated in this clause. I do not see any reason why Government should seek to frame rules without incorporating very definite provisions in the Act itself. The power conferred by that section relating to the making of rules give the Government absolute authority in the framing of rules any way they like, so that the Council may not have any opportunity of knowing or discussing what the implication of these rules will be. This is a fundamental objection,

as the Government on their own showing stated definitely that nothing should be left to the Government regarding the framing of rules, so that these rules may not operate harshly against the persons concerned. That these rules will operate harshly against the persons concerned, that is my principal objection and I hope the Hon'ble Member will kindly delete these words from this clause.

Dr. NARESH CHANDRA SEN GUPTA: I am surprised at this amendment. It is a most extraordinary thing that the Rai Bahadur should suggest that clause 4 of this Bill should stand giving absolutely wide and irresponsible powers to the Settlement Officer without any power in the Government to guide them by rules. It is extraordinary. I could understand the Government asking for it but I do not understand the people asking for it. As I have pointed out before in discussion on clause 4 that it does not give any protection whatsoever to the tenant. It says only that certain things shall be taken into consideration but does not say in what way, whether for enhancing or reducing the rent or whether the existing rent is to be taken into consideration without fixing any limit and in what way. Nothing of the sort. Whether the rent generally prevalent in the locality is to be taken into consideration in fixing the limit one does not know. The market value of the land and a percentage of market value should be fixed. The length for which a lease has been held and for what purpose has to be taken into consideration and how. That must be elaborated by rules and the rules must be framed by Government and not by each revenue officer on his own account. The Rai Bahadur is wrong in saying that the people will have no opportunity of discussing those rules. The rules will be made by Government——

Rai Bahadur KESHAB CHANDRA BANERJI: I never said that the people would not have any opportunity of discussing the rules framed by Government. What I said was that this House would not get an opportunity of considering these rules.

Dr. NARESH CHANDRA SEN GUPTA: So far as the draft rules are concerned the Council will have an opportunity of discussing them. It would be satisfactory if it were provided that the rules must be placed before the House before they are brought into force. I do not understand Rai Bahadur's amendment if that is not to be. If the rules are given the same amount of publicity as the other rules that will give an apportunity to the House and to the public to look into those rules and open a discussion but to allow the revenue officers power to deal with these matters on their own account and to use an

analogy by the length of their feet will bring about chaos and absolute anarchy.

Mr. J. B. KINDERSLEY: I rise to oppose this amendment. The object of this clause is that we should be able to make rules to fulfil the various promises made by the Hon'ble Member in this Council. Without these rules we could not do that. The rules will be statutory and published under the Act.

Rai Bahadur KESHAB CHANDRA BANERJI: Sir, I beg leave to withdraw my amendment.

The motion was then by leave of the Council withdrawn.

Mr. J. B. KINDERSLEY: Sir, I have two small consequential amendments. May I move them?

Mr. PRESIDENT: Yes.

Mr. J. B. KINDERSLEY: I beg to move that in clause 20(*2*) after sub-clause (*aa*) the following sub-clause be inserted:—

"(*aaa*) the disposal of objections under section 3".

The motion was put and agreed to.

Mr. J. B. KINDERSLEY: There is another consequential amendment as a result of the amendment of clause 2. I beg to move that for clause 20(*2*)(*aa*), the following be substituted:—

"(*aa*) the determination of the classes of schools, hospitals, dispensaries or other institutions which shall be deemed to be charitable institutions, and of the adjacent lands which shall be deemed to appertain to a place of public worship or charitable institution, for the purposes of clause (*b*) of sub-section (*5*) of section 2."

The motion was put and agreed to.

The motion that clause 20(*2*) as amended in Council stand part of the Bill, was put and agreed to.

The motion that the schedule stand part of the Bill, was put and agreed to.

The motion that the preamble stand part of the Bill, was put and agreed to.

Mr. J. B. KINDERSLEY: Sir, with your permission I wish to move a slight drafting amendment. We accepted the principle that where the land has been leased for residential purposes there is a concession which Government are prepared to give. As the section was passed by the House there was some slight difficulty, it would read like this:

"where land has been leased to any person for residential purposes or used for residential purposes, then so long as the land or any part thereof is occupied for such purposes by such lessee, etc."

The difficulty is that the court might try and make out that the word *lessee* refers to a person to whom the land has been leased and not the persons who used the residential land. Government have no desire to exclude the latter. We therefore propose the following:—

I beg to move that in clause 10A(*1*) as amended in Council, for the words "where land has been leased to any person for residential purposes or used for residential purposes then so long as the land or any part thereof is occupied for such purposes by such lessee", the following be substituted:—

"where land has been leased to or used by any person for residential purposes, then, so long as the land or any part thereof is occupied for such purposes by such person".

The motion was put and agreed to.

The Hon'ble Sir BROJENDRA LAL MITTER: Sir, I beg to move that the Bill as settled in Council be passed.

The motion that the Bill as settled in Council be passed, was put and agreed to.

DEMANDS FOR GRANTS.

22—General Administration—General Establishment—Other Establishment.

The Hon'ble Sir ROBERT REID: On the recommendation of His Excellency the Governor I beg to move that a sum of Rs. 2,00,000 be granted under the head "22—General Administration—General Establishment—Other Establishment" in 1936-37 in connection with the establishment of the Debt Conciliation Board in various districts of this Province.

The reason for this demand has been sufficiently explained in a memorandum dated the 21st November, 1936, which has been circulated to members of this Council and I do not think I need add anything to it.

Maulvi MAHAMED SADEQUE: I beg to move that the demand of Rs. 2,00,000 under the head "22—General Administration" in 1936-37 in connection with the establishment of the Debt Conciliation Board in various districts of this Province be reduced by Rs. 100 (to raise a discussion on the method of formation of such Debt Conciliation Board, the principles of the Act involved, action of some interested parties of the localities and the wishes of the people in this respect).

It was understood at the beginning when the Act was passed that it was being passed in the interest of the debtors but the way in which such Debt Conciliation Boards has been formed at Feni has belied our expectation. We feel that the Act will not serve the purpose for which it was enacted. Though the Board was formed by the Subdivisional Officer he was instructed and guided by the opinion of the circle officer. I do not want to make any aspersion on the good intentions of the two officials but I must admit that all officials are after all human beings. They are sure to take notice of their environments and to be influenced by the action and reaction of the things in the environment in which they are placed. Although the circle officer at Feni is a very good and obliging gentleman he is under a deep debt of gratitude to the chairman of the local board for when he lost his wife he was left with a son 15 days old who was nourished and brought up by the chairman and out of that gratitude he suggested the names of those persons only which were dictated by the chairman. In fact the chairman has controlled the formation of the Debt Conciliation Board and thus formed a block to do propaganda work for him. Now the members of the Debt Conciliation Board and the members of the local board and the president of the union boards who expect to get some favour must go to the circle officer and must canvas for one of the candidates for the Assembly. Now, Sir, the people in the subdivision know very well to what extent his influence goes to influence the circle officer and other officials. They know very well that during the election from the representatives of local boards to district boards some members have to pay heavy sums to satisfy him and to secure his influence. That being the case if we allow some particular gentleman to predominate because he is placed in certain environments from which he cannot come out because he is a man of obliging nature, I think this provision of the Act will fail and more so in many cases where the arbitration board has been formed giving virtual authority to the *mahajans* from whom we

want to protect the debtors. In one case the uncle and the brother-in-law of the chairman have been nominated. In every case where it is possible relations have been made members of the board, no matter whether they are *mahajans*. In these circumstances if you allow one party to rule over another party and to guide the destinies of the debtors, the principal object of the enactment will be frustrated. In one instance the public in a meeting suggested the name of one Hindu gentleman who is a teacher and a graduate and in the alternative a Muhammadan pleader for the chairmanship of that particular board, but in defiance of the expressed wishes of the people another *mahajan* has been placed as the chairman of the board. If you want that the debtors should have confidence in the board, I think you must respect their wishes, but you not only do not want to respect their wishes but definitely disregard their wishes. I think the Hon'ble Member will agree that such a thing should not be allowed to occur in any constituency or any part of a constituency or in any district. I want an assurance from the Hon'ble Member that he will look into the matter and direct the officials to form these boards according to the wishes of the people and not in accordance with the dictates of a particular party.

The Hon'ble Khwaja Sir NAZIMUDDIN: Sir, it is most unfortunate that these allegations have been made against a particular officer. I should like to point out to the House that the actual nominations are made by the District Magistrate and the recommendations come through the Subdivisional Officers. Mr. Sadeque assumes that simply because a particular gentleman has been kind to a particular circle officer, therefore the circle officer is manipulating the nominations in the interest of that particular gentleman. If he would have been the Subdivisional Officer there might have been some justification in the assumption, because the Subdivisional Officer's recommendations go to the Magistrate. It does not show that the circle officer dominates the Subdivisional Officer. Then again there are the District Magistrate and the Commissioner to whom representations can be made. The difficulty is that in the villages there is always party faction and whenever you select A, the supporters of B make out a case that A is not the fit person to serve on the board. Unfortunately, from all over Bengal complaints of similar nature against these arbitration boards are being received, but I would like to point out to the House that these arbitration boards cannot do anybody any harm, because until the two parties consent, no settlement can be arrived at. So, instead of wasting time in criticising the members of the board if they would only give them a trial and see how they work, and if they find that the members of a particular board are not doing justice to the *mahajans* and the debtors, then a proper case can be made out for abolishing the board. But the mistake that is

always made is that whenever a name is sent up to serve on a board, there is agitation against him. My submission is: give these boards a trial and if by actual experience you find that injustice has been done, you can make out a case before the District Magistrate; the District Magistrate has got absolute authority to deal with the board then and there. He can suspend or do away with any member or the board, but there must be positive facts placed before him. Whenever nominations are made either to the union or district boards, there is always an agitation that the proper person has not been nominated and that better men were available. These things are bound to happen whenever nominations are made. But let us give these boards a trial and then criticise them if there are any grounds for it. Therefore, I would request Mr. Sadeque to make his representation to the Subdivisional Officer, to the District Magistrate and to the Commissioner to see that these boards get nominations from both the sections. That is as regards the future constitution of the boards. As regards those that already exist, my advice is that the people should bring their grievances to the notice of the boards and see how they deal with them. If you have a concrete case you can bring it to the notice of the Subdivisional Officer or you can appeal to the District Magistrate and say here is a positive case of favouritism shown to the members of the board, and thus you can have the members of the board changed.

The motion was then put and lost.

The original motion was then put and agreed to.

34—Agriculture.

The Hon'ble Nawab Sir MOHIUDDIN FUROQUI, Kt., of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move the motion standing in my name for a supplementary grant of Rs. 1·70 lakhs under the minor head "34C—Co-operative Credit". The purpose for which the grant is demanded has been explained in the memorandum circulated to members and I need only elaborate that memorandum a little in this speech.

Hon'ble Members are aware that for some time Government have been giving intensive consideration to the problems of the co-operative movement. This Council has already approved of a considerable strengthening of the departmental co-operative staff; and funds for initiating the first instalment of this scheme were voted in March. The demand which is now before the Council is a second result of the anxious consideration which Government have been giving to the problems of the Co-operative Department, and is intended to benefit the whole co-operative movement in the Province.

In the co-operative credit movement the Provincial Bank occupies a pivotal position. It may be remembered that the Bank received a severe set back in 1930 as a result of the collapse of the jute sale movement which inflicted a loss of about Rs. 22 lakhs on the Bank. To meet the exigencies of the situation, Government came to the assistance of the Bank by a guarantee of cash credit of Rs. 30 lakhs from the Imperial Bank with the approval of this Council. But the Bank by wise and tactful management was able to sufficiently command the confidence of the public and had no necessity of drawing upon the cash credit at any time during the last 6 years.

The Bank contributes nearly one-third of the borrowed capital used by the Central Banks and it has quite legitimately and creditably placed its resources principally at the disposal of Central Banks in difficulties. Compared with other credit organisations in Bengal the Provincial Bank is in a very favourable condition. No single individual who has deposited his money with the Bank has lost a *cowrie* of his capital or failed to recover his deposit on demand when it fell due; and there has never been any default or even delay in paying the interest due to the Bank's creditors. This is no mean achievement in times of unprecedented economic stress. But the Bank has unfortunately been unable to make the contribution, which might have been hoped for from it, towards enabling its constituent members to weather the economic storm. The depression would have created difficulties in any case, but it is particularly unfortunate that, during the whole period of the depression, the Bank has had to carry an unusual burden of loss which there is no practical prospect of the Bank's being able to recover.

Moreover, the persistent economic depression froze the major portion of the assets of the Central societies leading to a heavy piling up of arrears. The revenues rapidly dwindled and in repayment of their obligatory charges, the Central Banks had to placate the more importunate depositors by refunding the deposits wholly or in part by withholding payment to the Provincial Bank.

The effect of the losses and the fall off in revenue on the Bank's position has been far-reaching. If the Bank had had realised reserves profitably invested, it could have earlier made substantial contributions towards lightening the burdens of its constituents and placing them in a position to pass on substantial relief to the primary debtor; but the losses have precluded any policy with that object. They have swallowed up a great portion of the reserves and prudence has dictated that the Bank should budget for returns yielding profits from which the losses might be made good. This has prevented the Bank from adopting any policy of profit-cutting even in the emergency conditions brought about by the depression. Far from being able to give member societies the concessions which would have been desirable, and would have assisted them in taking measures towards reducing the rates charged to the individual

cultivator, in these circumstances, the bank has been compelled to maintain high rates of interest. It has been deprived of the benefit which its reserve funds might have given it and prevented from passing on that benefit to its members. When it is remembered to what extent the bank supplies funds for the whole co-operative credit movement in Bengal, it will be readily realised by honourable members why I indicated at the beginning of this speech, that the assistance contemplated for the Provincial Bank was intended to assist materially in the recovery of the whole co-operative movement in the Province.

In these circumstances, Government have determined to recommend for the approval of the Council action with two objects. The first object is to put the bank in the way of liquidating the Rs. 22 lakhs which it has lost on the jute sale and supply societies. The second object is at the same time to put the bank, as regards its revenue income, in a position similar to that which it would have occupied if it had now at its command substantial realised reserves, the income on which it could use in reducing rates of interest charged to its debtors. Those reserves it should have, and might have had, if it were not for the loss on the jute sale and supply societies. The method which Government recommend is indicated in the explanatory memorandum. It is a subvention of Rs. 2 lakhs annually for a period of 12 years.

Government have adopted this method only after the most careful and anxious consideration. They realise that the proposed subvention will materially strengthen the capital position of the Provincial Bank while at the same time make it possible for that Bank to effect a substantial reduction in interest rates charged to Central Banks and for the Central Banks again to allow corresponding reduction to actual borrowers through the village societies. Government consider that a substantial reduction in the rates charged from actual borrowers is essential if the co-operative movement is to be re-established on a firm footing. But without the proposed assistance being given, the bank cannot be expected to make any such reduction; and the maintenance of the existing high rates by the Provincial Bank stands in the way of reductions in the rates throughout the movement. So long as the Provincial Bank is unable to reduce its rates, it is retarding the grant to the cultivator of concessions which will bring his interest rates down from their present very high figure. Upon certain assumptions as to the average return, which may be expected on Government securities during the next 10 or 12 years, the calculations which Government have made suggest that a yearly subvention of Rs. 2 lakhs for 12 years will effect the object intended. It will allow for the employment of as much as Rs. 50 thousand annually in the furtherance of a policy of bringing down interest charges to such a level as will enable the primary debtor to repay and obtain loans at rates which

he can reasonably be expected to pay; and after this allowance has been made, it is calculated that the reserves which the bank will be able to accumulate will amount at the end of that period to something over Rs. 23 lakhs. This is a sum in excess of the estimated loss on jute sale and supply societies but the figure proposed for the annual subsidy has been adopted, partly as a convenient round sum, and partly to supply any margin which may be required, owing to fluctuations in the interest rates earned by gild-edged securities.

To sum up, the scheme is intended to readjust the interest rates of the agricultural co-operative credit organisations as far as possible to the level of repaying capacity of the members of village societies, by strengthening the position of the apex bank of the credit movement. I am sure the honourable members will agree with me about the importance and urgency of giving relief to the members of village societies by drastic reduction in the rate of interest charged from them. This step will tend to a great extent to ease the economic position of those members, make the investments in village societies mobile, revitalise the entire co-operative movement and remove the stagnation to which it is drifting at present.

Before leaving this motion to the favourable consideration of the House, there is one point which I wish to emphasise. It is an essential part of the scheme which Government are asking the Legislative Council to approve that the subsidy should be continued over a period of years. Members will readily recognise that the bank cannot be expected to adopt with confidence any measures for improving the position of the co-operative movement unless it can count upon the continuance for a definite period of a definite sum. Accordingly, in asking the Council to vote this demand, I desire to impress upon them this fact that the present grant is part of a continuing scheme. Out of the subsidy for this year, Rs. 30,000 will be found by re-appropriation from savings under the grant made by the Council in connection with the expansion of departmental staff. The supplementary grant asked for is to supply the balance of Rs. 1,70,000.

With these words, Sir, I commend my motion to the acceptance of the House.

Mr. W. C. WORDSWORTH: Hundreds and thousands of people in this province interested in the co-operative credit movement will be grateful to the Hon'ble Minister and Government for this grant. It is my privilege to welcome the motion especially on behalf of the Provincial Bank, of which I am a new and a very inexperienced Chairman. We have been told that the bank has managed its affairs through very difficult years with skill and tact, and in repeating this

I pay a tribute to Mr. J. N. Basu and a Board of very capable managers of the bank who under his direction have attended to its affairs for many years. They have kept a clear head throughout these difficulties, and a clear head means not unoften a hard head. Unfortunately, the bank has not been able to show a soft heart to others. This grant will enable it to bring new life and new vigour into the subordinate banking institutions throughout the province and give co-operative credit a new lease of life, or rather a new lease of vigour. So I welcome this demand on behalf of the bank, and I have to make an announcement in return. I have to say that as soon as notice of this grant was received, the Board of the bank met and decided to accept the grant, if passed, on the conditions applied to it. They decided then and there that they would reduce the interest to Central banks to an effective rate—5 per cent.—which is a considerable reduction. Very recently, also, the bank, of its own initiative and out of its own resources, decided that it could offer small increase of interest to depositors. These two decisions combined should bring new vigour and new enthusiasm into co-operative credit institutions everywhere and through them the benefit will be spread throughout the province. I wish therefore, on behalf of the Bank managers, to thank the Hon'ble Minister for this grant and also to express our appreciation of the Joint Secretary, Mr. Porter, who has interested himself so greatly, and, from our point of view, so profitably, in the co-operative credit structure of this province.

Babu JATINDRA NATH BASU: I join Mr. Wordsworth in conveying our thanks to the Hon'ble Minister and to the Government for bringing forward this motion before this House. The co-operative movement is one of the movements to which the people of this province look for improving the economic condition of the population of the province. Sir, for some reason or other the people of this province want money for their agricultural operations and for their small industries. The co-operative system intends to supply the means by which agricultural operations and small industries may be successfully carried on. There is the Provincial Co-operative Bank at the apex of the movement: there are the central banks and there are then the rural societies which help the cultivators and the artisans in the villages. If the Provincial Bank is not in a position to render the necessary help, the whole system becomes difficult to operate and does not yield the benefit that it is expected to yield. Unless the Provincial Bank advances money to the central banks in the districts and the central banks in their turn to the rural societies, money cannot be had by the consumers on easy terms, and if they cannot have the money on easy terms, then the movement would be of

no benefit to the province. As the co-operative movement was intended to help cultivators and artisans it was thought desirable that it should be operated not only for the purpose of helping cultivation but also of marketing the products. As happens in many other enterprises, this enterprise about establishing societies for the supply and sale of jute unfortunately was not a success. There was a loss in connection with the supply and sale societies organised by the Agriculture Department to the extent of Rs. 22 lakhs. This has been a heavy burden on the Provincial Bank and it has had to fix its rate of interest on monies advanced by it, monies which are the life-blood of the people, at a higher rate of interest than it would otherwise have fixed. The Provincial Bank has also had to stop payment of any dividends out of the profits it earns to the constituent societies. Before this loss the constituent societies received some dividends which could be set off against the interest payable by them. But for all these years, since this loss, no dividend has been declared, with the result that nothing could be paid to the constituent societies, and the capital invested in the Provincial Bank remained practically without any return. It was necessary for the people to recognise this loss occasioned by the great experiment that was undertaken and I believe that Government should have taken note of it earlier and brought forward a suitable measure for relief as it has done now. This help for the purpose of making up the loss that was incurred will enable, as Mr. Wordsworth and the Hon'ble Minister have pointed out, the Provincial Bank to reduce the rate of interest at which it advances money to the constituent societies, and that money will be spread over the province for the purpose of helping agriculture and the small industries at easy rates of interest.

Sir, it is a great measure and Government has now taken a step which I am sure will result in nothing but benefit to the province. I again congratulate the Hon'ble Minister and Government for bringing forward this measure.

Maulvi MAHAMED SADEQUE: Sir, a persistent and widespread propaganda was being directed against the Government and the Government officials that they are apathetic to the cause of the poor agriculturists and the unemployed youngmen of the country and that Government always held out false hopes which never materialised into action. But, Sir, His Excellency the Governor and his Cabinet Ministers are now going to falsify the theory—

As the time alloted for the discussion of this item was reached, the member had to resume his seat.

The motion that a sum of Rs. 1,70,000 be granted for expenditure under the minor head "Co-operative Credit" was put and agreed to.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, after the business of to-morrow is finished I would request you to allot a certain time for farewell speeches, as I understand to-morrow will be the last day of the meeting of this Council. Sir John Woodhead and I would like to speak and I think many members would also desire to speak.

Mr. PRESIDENT: After I have disposed of the official business I shall be glad to comply with the request which the Hon'ble Nawab Sir Mohiuddin Faroqui has made.

Adjournment.

The Council was then adjourned till 10-30 a.m. on Friday, the 4th December, 1936, at the Council House, Calcutta.

Proceedings of the Bengal Legislative Council assembled under the provisions of the Government of India Act.

THE COUNCIL met in the Council Chamber in the Council House, Calcutta, on Friday, the 4th December, 1936, at 10-30 a.m.

Present:

Mr. President (the Hon'ble Maharaja Sir MANMATHA NATH RAY CHOWDHURY, of Santosh) in the Chair, the four Hon'ble Members of the Executive Council, the three Ministers and 99 nominated and elected members.

STARRED QUESTIONS

(to which oral answers were given)

Retiring age of Government servants.

*105. **Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Will the Hon'ble Member in charge of the Finance Department be pleased to state—

(*i*) whether it is a fact that in giving effect to the rules relating to the granting of pensions to Government servants, efficiency has always been the guiding principle of Government since 1831; and

(*ii*) whether the principle declared by the Hon'ble Sir William Duke to be the basis for consideration by Government in this matter in reply to a question asked by the Hon'ble Mr. K. B. Dutt at the meeting of the Bengal Legislative Council held on the 26th February, 1910, is still being followed?

(*b*) Have the Government considered the question that the application of the revised pension rule 56(*b*) as amended by Bengal Government, Finance Department, No. 4089F., dated the 11th June, 1934, regarding the compulsory retirement of an efficient ministerial officer before attaining the age of 60, will not increase the non-effective charges considerably?

(*c*) Will the Hon'ble Member be pleased to state whether in view of the restrictions imposed by rule 2(*a*) of the Fundamental Rules that no such rule shall adversely affect any person who entered Government

service before January, 1922, when the Fundamental Rules were brought into force, Rule 56(*b*) as amended (*vide* correction slip No. 371) is inoperative in the case of an old officer?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state—

(*i*) what is the normal age of retirement of those ministerial officers who entered service before 1922, and

(*ii*) whether the period of service of a Government officer between the age of 55 and 60 will be regarded as an extension?

The Hon'ble Sir JOHN WOODHEAD: (*a*), (*i*) and (*ii*). Government policy has undergone some change since Sir William Duke made the statement referred to. For the present policy the hon'ble member is referred to Fundamental Rule 56.

(*b*) The hon'ble member is presumably referring to clause (*b*) of Fundamental Rule 56. This clause does not require the compulsory retirement of an efficient ministerial officer before attaining the age of 60.

(*c*) Clause (*b*) of Fundamental Rule 56 was amended with the previous sanction of the Secretary of State in Council, and is therefore applicable to all officers, including those who entered Government service prior to the 1st January, 1922.

(*d*) Does not arise.

Public Prosecutor of Mymensingh.

***106. Maulvi ABDUL HAKIM:** (*a*) Will the Hon'ble Member in charge of the Judicial Department be pleased to state whether it is a fact that Khan Bahadur Maulvi Sharfuddin Ahmed, B.L., the Public Prosecutor of Mymensingh, who is also the Chairman of Mymensingh District Board, had to make over the charge of the office of the Public Prosecutor to Babu Jadab Lal Choudhury, Pleader, on the 29th August, 1936, under an order of the District Magistrate?

(*b*) If the answer to (*a*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for such action of the Magistrate?

(*c*) Is it a fact that on the 1st September, 1936, the Magistrate again asked Khan Bahadur Maulvi Sharfuddin Ahmed to take over charge from Babu Jadab Lal Choudhury, pleader?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Member be pleased to state the reasons for rescinding his previous orders?

(*e*) With reference to the reply to clause (*j*) of starred question No. 25 put by me on the 20th February, 1935, are the Government prepared now to disclose the information?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) Yes.

(*b*) and (*d*). Government have called for a detailed report with regard to this matter but the report has not yet been received.

(*c*) Yes.

(*e*) No.

Maulvi ABDUL HAKIM: With reference to answer (*a*), will the Hon'ble Member be pleased to state what compelled Khan Bahadur Sharfuddin Ahmed to make over charge of his office of Public Prosecutor to Babu Jadab Lal Chaudhury?

The Hon'ble Sir BROJENDRA LAL MITTER: Until I get the detailed report, it is impossible for me to give any answer.

Basa-Kustea Khal in Faridpur.

***107. Rai Bahadur KESHAB CHANDRA BANERJI:** (*a*) Is the Hon'ble Member in charge of the Irrigation Department aware of the question regarding the re-excavation of the Basa-Kustea Khal in the district of Faridpur?

(*b*) Is it a fact that the inhabitants of Basa-Kustea submitted applications to the District Magistrate, the Chairman of the District Board, and to the Chief Engineer, Irrigation Department, Bengal, under date 9th July, 1935, on the subject of the re-excavation of the Khal?

(*c*) Have enquiries been made by the Circle Officer, Pangsa, and an Overseer of the district board of Faridpur in regard to the subject-matter of the said applications?

(*d*) Is the Hon'ble Member aware—

(*i*) that the estimated cost of land acquisition is Rs. 400 only; and

(*ii*) the cost of re-excavation has been estimated at Rs. 1,000 only?

(*e*) Is it a fact that owing to the silting up of the bed of the Khal, large tracts of cultivable land remain under water almost every year thereby converting the entire area into a veritable cess-pool for the breeding of malarial parasites?

(*f*) Is the Hon'ble Member aware that the local people have agreed to bear the cost of excavation on acquisition of the land by the Government for the above purpose?

(*g*) If the answer to (*f*) is in the affirmative, will the Hon'ble Member be pleased to state whether, and if so, when land acquisition proceedings are likely to be undertaken?

The Hon'ble Khwaja Sir NAZIMUDDIN: The information required to answer this question is not available. Enquiries will be made and a reply furnished to the member as soon as the necessary information has been received.

Certificate proceedings in Noakhali and Tippera.

*108. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to lay a statement on the table showing for each of the circles under the Noakhali and Tippera Khas Mahals—

(*i*) the total demand in the years 1935-36 and 1936-37;

(*ii*) the number of holdings in the years 1935-36 and 1936-37;

(*iii*) the percentage of rent collection, year by year, from 1928-29 to 1935-36 (up to the 31st October, 1936);

(*iv*) the amount of interest collected, year by year, from 1928-29 to 1935-36 (up to the 31st October, 1936);

(*v*) the number of certificate proceedings started from the 1st February 1935-36 up to the 31st October, 1936;

(*vi*) how many of such proceedings were—

(A) for the last half-yearly rent of 1342 B.S.;

(B) for the 1st half-yearly rent of 1343 B.S., and

(*vii*) how many of such proceedings have been issued for execution?

(*b*) Will the Hon'ble Member be pleased to lay another statement on the table showing for each of the circles at Noakhali—

(*i*) the amount of loan (agricultural) sanctioned;

(*ii*) the amount advanced to the Khas Mahal tenants of Tauzi Nos. 1929 (Burir Char, Nalchira), 1853 (Char Jabbar, Jahajmara, Jubilee, etc.), Sadar Circle; and

(*iii*) the reasons for advancing loan?

(*c*) Will the Hon'ble Member be pleased to lay a statement showing for each of the Circles under the Noakhali Khas Mahal last year and this year—

(*i*) whether there were cattle deaths of a violent type;

(*ii*) whether there was failure of crops all over the Khas Mahal area;

(*iii*) whether remission of rent was granted to the tenants of the affected areas;

(*iv*) the number of deaths referred to in (*i*); and

(*v*) the agricultural loans granted to the affected tenants referred to in (*ii*) and (*iii*) for purchase of paddy seeds and bullocks;

(*d*) If the answer to (*c*) (*ii*) and (*iii*) and (*a*) (*c*) are in the affirmative, will the Hon'ble Member be pleased to state whether it is a fact that rent from the tenants referred to in (*c*) (*i*), (*ii*) and (*iii*) and (*a*) (*v*) were realised by body warrant, distress warrant and whether there was sale of landed properties?

(*e*) Will the Hon'ble Member be pleased to state whether the provisions of sections 61 and 62 of the Government Estate Manual, Bengal, has been followed at Noakhali?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) (*i*), (*ii*), (*iii*) and (*iv*). A statement furnishing the information is laid on the Library table.

(*a*) (*v*), (*vi*) and (*vii*). A statement giving the particulars is laid on the Library table.

(*b*) (*i*), (*ii*) and (*iii*). A statement furnishing the necessary information is laid on the Library table.

(*c*) (*i*), (*ii*), (*iii*), (*iv*) and (*v*). A statement giving the particulars required is laid on the Library table.

(*d*) Rent was not realised by body warrant, distress warrant or sale of properties from the tenants referred to except in a few cases in which it was found that the certificate debtors, though able to pay, had intentionally withheld payment.

(*e*) Yes.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state whether it is a fact that the Board of Revenue or Government have issued instructions to certificate officers not to issue distress warrant more than once?

The Hon'ble Sir BROJENDRA LAL MITTER: I am not aware of the issue of any such instructions.

Text-Books in Schools.

*109. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Minister in charge of the Education Department be pleased to state whether the department issued any order to stop the teaching of unapproved text-books in primary and secondary schools?

(*b*) If the answer to (*a*) is in the affirmative, will be Hon'ble Minister be pleased to state whether the Government have received any information as to whether unapproved books are taught anywhere within the province?

(*c*) Is the Hon'ble Minister aware—

(*i*) that some primary school teachers and primary school book librarians of the Chittagong and Dacca Divisions have published lists of books as approved; but

(*ii*) many of those books are not found in the list of books approved by the Text-Book Committee?

(*d*) If the answer to (*c*) is in the affirmative, will the Hon'ble Minister be pleased to state what action has already been, or is proposed to be taken in the matter?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: (*a*) All text-books used in Government and Government-aided high schools and in all recognised middle and primary schools are to be selected from the lists of text-books approved by the Director of Public Instruction, Bengal. In the case of primary schools, however, district boards and District School Boards may choose books from the departmental lists for use in schools under their control. Unaided high schools are not under the control of the Director of Public Instruction, but their Head Masters are required to select text-books for use in their schools, after due consideration of the list of authorised books approved by the Director of Public Instruction.

(*b*) Government have no information.

(*c*) (*i*) A complaint has very recently been received by the Director of Public Instruction that a certain Library of Noakhali has published a list of books in imitation of the one issued by the District School Board of Noakhali. The matter is under enquiry.

(*ii*) No opinion can be expressed until the enquiry is complete.

(*d*) Does not arise in view of (*c*) (*ii*) above.

Maulvi ABUL QUASEM: Will the Hon'ble Minister be pleased to state why text-books are so frequently changed?

The Hon'ble Khan Bahadur M. AZIZUL HAQUE: I am glad to have this opportunity of explaining the position. The fact is that the Text-Book Committee select text-books, and such text-books are placed in the approved list for five years, and within those five years, not a single book is changed unless there is any very special reason, such as that given in answer to the main question. Except for that reason, these text-books are never changed within five years. But it is entirely a matter of discretion with the District School Boards, District Boards and Head Masters to finally select their books out of the approved list. If they change the text-books frequently, the responsibility is theirs and Government are not to be blamed for this and have no responsibility in the matter. Government are, however, quite aware of this situation, although they are for the time more or less helpless. But in this particular case, the matter is being looked into.

Prospects of crops in Noakhali.

*110. **Maulvi MUHAMMAD FAZLULLAH:** (*a*) Will the Hon'ble Member in charge of the Revenue Department be pleased to state the conditions of crops as reported from the different districts in the province specially from the Sudharam, Companyganj, Ramganj, Begamganj, Lakhipur, Ramgati, Hatiya and Sonagari police-stations of the Noakhali district?

(*b*) Is the Hon'ble Member aware—

(*i*) that the lands referred to in (*a*) in the district of Noakhali have been laid waste, and

(*ii*) that the people have applied to the Government and the Collector of Noakhali for immediate relief?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state what arrangements have been or are proposed to be made—

(*i*) for gratuitous relief; and

(*ii*) for cost of future cultivation?

(*d*) Is the Hon'ble Member considering the desirability of holding an equiry by an officer specially deputed from Calcutta?

The Hon'ble Sir BROJENDRA LAL MITTER: (*a*) The prospects of standing crops in all the districts of this Province including the police-stations mentioned are satisfactory.

(*b*) (*i*) No.

(*ii*) A petition from some people of Sudharam police-station was received by Government praying for construction of embankments, for protection of crops and tanks from flood and saline water.

(*c*) (*i*) and (*ii*). A sum of Rs. 37,000 has been distributed as agricultural loans and Rs. 250 spent for gratuitous relief.

(*d*) No.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: With reference to answer (*b*) (*ii*), do Government contemplate taking any step to enquire into the matter of construction of embankments?

The Hon'ble Sir BROJENDRA LAL MITTER: The matter is under consideration.

Rai Bahadur HEM CHANDRA ROY CHOUDHURI: Will the Hon'ble Member be pleased to state when the enquiry will be concluded?

The Hon'ble Sir BROJENDRA LAL MITTER: It is not possible for me to say, when.

Landlords' Fees.

***111. Maulvi TAMIZUDDIN KHAN:** Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(*i*) the number of cases in which the right of pre-emption has been exercised by landlords, district by district, in the whole province from the date of enforcement of the Bengal Tenancy Amendment Act of 1928 till the latest date for which figures are available;

(*ii*) the amounts realised, district by district, for the aforesaid period of landlords' fees under—

(*a*) section 26, and

(*b*) section 48H of the aforesaid Act;

(*iii*) the amounts realised for transmission of landlords' fees paid as aforesaid;

(*iv*) the amounts of landlords' fees realised under the aforesaid sections, district by district, that are still lying in deposit in the hands of the Government; and

(*v*) how the landlords' fees realised under the aforesaid sections have hitherto been disbursed?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*) A statement furnishing the information is laid on the library table.

(*ii*) Two statements showing the amounts of landlords' fees are laid on the library table.

(*iii*) and (*iv*). The information is not readily available and Government do not consider the expenditure involved in collecting it justifiable.

(*v*) In accordance with the rules—

In the case of sole landlords or co-sharer landlords, who have a common agent or manager, the fees are remitted by money-order, or credited to their personal ledger accounts, if such an account has been opened.

In the case of co-sharer landlords, who have not appointed a common agent or manager, the fees are disbursed on joint application. If, however, they have opened a joint personal ledger account the fees are credited to that account, if such fees are on account of the transfer of an occupancy holding.

Satkhira-Nabharan Road.

***112. Rai Bahadur SUK LAL NAG:** (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state—

(*i*) how long has Satkhira been included in the Khulna district;

(*ii*) what is the shortest distance between Satkhira and Khulna towns;

(*iii*) is there any rail or steamer connection between these two towns;

(*iv*) if so, what is the time occupied for the journey;

(*v*) how far is Calcutta from Satkhira;

(*vi*) is there any rail or steamer or motor bus connection between these two towns;

(*vii*) is there any road connection between Satkhira and Khulna;

(*viii*) if so, whether is the road metalled or unmetalled, and motorable or not motorable;

(*ix*) is there any proposal for any motorable road between Satkhira and Nabharan on the Eastern Bengal Railway?

(*b*) If the answer to (*a*) is in the affirmative, when is the road likely to be completed?

The Hon'ble Nawab Sir MAHIUDDIN FAROQUI, Kt., of Ratanpur: (*a*) (*i*) From June 1882.

(*ii*) 42 miles by road.

(*iii*) There is no railway connection but there is a daily steamer service.

(*iv*) Approximately 13½ hours for the up journey and 14 hours 40 minutes for the down journey by the steamer service.

(*v*) 55½ miles by road.

(*vi*) There is no steamer service. There is railway line from Calcutta to Basirhat Kutchery and motor bus service from Basirhat Kutchery to Itindaghat with extension up to Satkhira recently sanctioned.

(*vii*) Yes.

(*viii*) The road is partly metalled and partly unmetalled; but motorable.

(*ix*) Yes.

(*b*) No date can be given now. Reconstruction of a part of the road from Navaran to Ellispore has already been sanctioned by the Government of India and the work has been taken up by the Public Works Department.

UNSTARRED QUESTIONS

(answers to which were laid on the table)

Forest Officers.

74. Rai Bahadur SATYENDRA KUMAR DAS: (*a*) Will the Hon'ble Member in charge of the Agriculture and Industries (Forest) Department be pleased to state—

(*i*) how many officers of the Imperial, Provincial and Subordinate Forest Service in Bengal have completed 30 years of active service;

(*ii*) how long each officer referred to in (*i*) has taken leave; and

(*iii*) how much is still due to him?

(*b*) If they have sufficient leave due are the Government considering the desirability of compelling them to take leave preparatory to retirement?

The Hon'ble Khawaja Sir NAZIMUDDIN: (*a*) (*i*)

Imperial Forest Service Officer	..	..	one
Provincial Forest Service Officer	..	..	one
Subordinate Forest Service Officers	..	..	four

(*ii*) and (*iii*) The information is not readily available and cannot be collected without a laborious enquiry which Government regret they are not prepared to undertake.

(*b*) No.

Forest clerical establishment.

75. Maulvi MUHAMMAD SAADATULLAH: (*a*) Will the Hon'ble Member in charge of the Agriculture and Industries (Forest) Department be pleased to state—

(*i*) the number of permanent clerks existing at present in the Forest Department, Bengal;

(*ii*) how many of them are Muhammadans, and

(*iii*) how many of them are non-Muhammadans?

(*b*) Is there any Government order safeguarding the appointment of Muhammadans till the ratio fixed by Government between Muhammadan and non-Muhammadan appointments is reached?

(*c*) If the answer to (*b*) is in the affirmative, will the Hon'ble Member be pleased to state whether that order is being complied with in the Forest Department?

(*d*) Will the Hon'ble Member be pleased to lay on the table a statement showing—

(*i*) what was the number of such permanent vacancies from 1925 to 1931;

(*ii*) how many of them have been filled up by Muhammadans;

(*iii*) what was the number of such vacancies from 1932 to 1935;

(*iv*) how many of them have been filled up by Muhammadans ?

The Hon'ble Khwaja NAZIMUDDIN: (*a*) (*i*) 55.

(*ii*) 9.

(*iii*) 46.

(*b*) Yes.

(*c*) Yes. Permanent vacancies are filled by selection from the temporary establishment. The consequential vacancies in the temporary establishment are filled up with due regard to the Government orders regarding appointment of Muhammadans.

(*d*) (*i*) 14.

(*ii*) In the consequential vacancies in the temporary establishment 4 Muhammadans were recruited.

(*iii*) 3.

(*iv*) Nil. All the consequential vacancies in the temporary establishment were filled by Muhammadans.

New Howrah Bridge.

76. Babu SATISH CHANDRA RAY CHOWDHURY: (*a*) Will the Hon'ble Minister in charge of the Public Works Department be pleased to state why the Government did not consult the Bengal Legislative Council before accepting the contract for the new Howrah Bridge?

(*b*) Was the Corporation of Calcutta consulted in the matter? If not, why not?

(*c*) What arrangement has been made for the purchase of materials of the bridge?

(*d*) What proportion of the total purchase will be made in India?

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: (*a*) and (*b*). The member is under a misapprehension. The contract was accepted not by Government but by the Commissioners for the new Howrah Bridge in exercise of their powers under section 5 of the Howrah Bridge Act, 1926. On reference to that Act it will be seen that the powers and responsibilities of Government in the matter are strictly limited, being confined to specified points concerning finance, the location of the bridge and its approaches and the character and quality of the materials to be used. On these points consultation with the Legislature or the Corporation of Calcutta prior to approval of the contract would not have served any useful purpose.

(*c*) and (*b*). As explained, these matters are the responsibility not of Government but of the Bridge Commissioners. By courtesy of the Commissioners, however, a note dated 22nd September, 1936, by the Chairman of the Commissioners, which contains the desired information, is laid on the Library Table.

Sunderban Estates.

77. Mr. KARTICK CHURN MULLICK: Will the Hon'ble Member in charge of the Revenue Department be pleased to state—

(i) the average increase of land revenue of the Sunderban Estates in the districts of the 24-Parganas, Khulna and Bakarganj under the Waste Lands Grant Rules of 1853 and 1879;

(*ii*) what final orders were passed on the memorials of the British Indian Association and Sunderban Landholders' Association for the modification of the terms and conditions of revised leases; and

(*iii*) the amounts of land revenue remitted and suspended on the Sunderban estates in the said districts on application of some of the proprietors thereof for failure of crops in the said areas due to flood, tidal wave, drought and cyclone?

The Hon'ble Sir BROJENDRA LAL MITTER: (*i*), (*ii*) and (*iii*). The member is referred to the replies to the starred questions Nos. 70 and 57(*c*) asked respectively by Raja Bhupendra Narayan Sinha Bahadur of Nashipur and Mr. P. Banerji during the current session of the Council.

GOVERNMENT BUSINESS

DEMAND FOR GRANT.

41—Civil Works.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, of Ratanpur: Sir, on the recommendation of His Excellency the Governor, I beg to move that a token sum of Re. 1 be granted under the major head "41—Civil Works" for expenditure on the construction of buildings in connection with the scheme for the establishment of an Agricultural Institute at Daulatpur in the district of Khulna.

Sir, the necessity for the demand is explained in the Memorandum which is now in the hands of the honourable members, and I have hardly anything more to add. I shall only refer to a point or two more which need some light to be thrown upon.

It may be felt that the institute will be meant for young men of the middle class to the exclusion of those hailing from the agricultural community. I may tell the House that such a feeling should not arise at all. For, nothing is more sacred and dear to those who are interested in the future of the province than the welfare of the agriculturists, who are, in fact, the producers of wealth and the backbone of the country. The institute will be open to the young men of every caste and creed and is intended to solve, as far as possible, the unemployment that prevails not only amongst the *Bhadralog* class of both communities but also amongst the agriculturists as well.

Sir, it is a crying need of the day that a rural bias should be given to education with a view to keep the boys of the traditional cultivating

classes to the land. It is not unoften seen that young men of the agricultural classes, soon after passing the Middle English or the Matriculation Examinations, turn away from the land and develop an aversion to their profession. If I am permitted to speak from personal experience, sometime ago when I had been to my own *zamindary* in the district of Tippera, a deputation of agriculturists waited on me with an impassioned appeal to abolish forthwith the high school which I had established there for the education of the young men of agricultural classes particularly, for the simple reason that their sons were moving about in vain search of humble employment and were thus helping to form a growing middle class even amongst the agriculturists as well. Simultaneously with their general education, these young men must be given an agricultural training, so that by sticking to their trade, they can improve upon the inefficient and age-old methods of their fathers, make the land yield more, and thus add to their income. This is exactly what the Daulatpur Institute is intended to achieve; it will aim at bringing in a closer touch between the general education and the practical side of the rural life, which cannot but be of immense benefit to the country as a whole.

Sir, it is common knowledge that agriculture in our province is mostly unorganised with the result that general production is far below our requirements. We are paying for our deficiency by the huge imports of almost every kind of agricultural produce. One cannot fail to be struck with wonderment to see the enormous quantities of vegetables, fruits and dairy products, even rice and pulses, which are brought to Bengal almost every day of the year, not only from other provinces of India but from practically every corner of the world. Then there is the problem of food supply which is assuming grave proportions with an ever-increasing population. It must be acknowledged that the old conservative methods of cultivation cannot hope to keep pace with the increasing demand and must now give way to such methods as will sufficiently add to the productivity of the land.

Sir, if these problems are to be successfully tackled, some such measure should be adopted as will make available to our young men the knowledge of modern scientific farming which will help more economical use of our agricultural resources. The establishment in our rural areas of trained agriculturists will be a source of inspiration and encouragement to traditional cultivators and a powerful agency for the introduction of improved methods of agriculture and animal husbandry. As an example of this, I may instance the case of the Muslandpur Agricultural Training Camp for detenus. The camp has already created a deep impression upon the local cultivators who have come forward with demands to be allowed to share in the facilities available from scientific methods followed in training the detenus. When the detenus who are now under training will have been set free they will establish model

farms and carry with them the message of better farming and better living. I am confident that by the multiplication of such farms in the villages of Bengal a great incentive will be given to the permanent improvement of our agricultural methods and the general development of the countryside.

Sir I have endeavoured to impress on the House the necessity of an institute such as the Daulatpur Agricultural Institute is intended to be. Simultaneously with giving training in general farming it will also give instruction in specialised forms of scientific agriculture such as fruit-farming, dairy farming, etc., which are certain to prove highly paying in Bengal. The school at Dacca Farm caters to the need of the Chittagong and Dacca Divisions; the recently started institute at Rajshahi which owes its origin to the magnificent donation of a member of the Dighapathia Raj family meets the requirements of the Rajshahi Divisions; the Bhutnath School of Agriculture of Chinsurah established some 3 years ago looks after the Burdwan Division; while the Daulatpur Institute will be the centre of agricultural education in the Presidency Division. I am thus happy to have been able to complete the circle.

The site of the proposed institute could not have been better. Easy of access by the railway and steamer services from all parts of Bengal, the surroundings of Daulatpur are on all fours with those obtaining in the villages and are calculated to retain rural habits and outworks in our young men. A very great advantage is that the local college has well equipped and up-to-date laboratories which would provide facilities for practical work and research and obviate the necessity of going for considerable expense on this account. It is doubtful if all these advantages would have been readily available elsewhere in Bengal to give effect to the scheme.

Sir, the Memorandum gives you an idea about the financial side of the institute which I need hardly repeat. It is Government's intention that the control of the affairs of the institute will be mainly in the hands of a representative non-official body.

In moving for the grant of this token sum of Re. 1 I would now ask the Council to give its approval to the general outline of the scheme and to enable Government to make immediate progress towards the construction of necessary buildings.

Babu JATINDRA NATH BASU: Sir, I welcome this motion which has been brought forward by the Hon'ble Minister for Agriculture. We are an agricultural province. It has become more and more apparent to all of us that it is necessary that we should have a changed outlook so far as our agricultural conditions are concerned. Our indigenous system of agriculture to which we have been accustomed for a long time does not yield the profit that it used to do. Trade in jute

is said to be diminishing, and export of rice which also contributed to a great extent to the prosperity of our province has practically disappeared. We have now competitors all over the world, and it is necessary, therefore, that we should turn our minds to better our agricultural conditions. That can only be done by persons who have been trained in modern methods. The agricultural farms so far established have tried to train our agriculturists in such improved methods of agriculture, as manuring and similar things. But the present scheme seeks to impart scientific training to persons who have had some training in science. I understand that persons who have received the training ordinarily imparted to those who pass the Intermediate Examination in Science of the University will be admitted to this institute. It is not a moment too soon that this idea has been conceived. We will have to consider not only the improvement in the crops that we have been growing but we have to think of growing other crops and we will have to think further of the competition which surrounds us on all sides and how to keep our footing in the face of that competition. These will be the problems that we expect an agricultural institute of this nature to solve. The Hon'ble Minister has pointed out that there is an existing college at Daulatpur which has the necessary facilities for scientific training and research. It is situate in a rural tract and the situation is one that cannot but appeal to those who are desirous of improving the conditions of rural life in this country. As I have already stated we are an agricultural people and every one of us here is anxious that the conditions of our rural life should be improved. If you go into the villages of Bengal you come across a condition of things which you cannot but think requires a great deal of improvement. It is that improvement that we expect to be achieved by this institute. The college has a large area and is situated on a river which gives facilities for irrigation and the college also owns large plots of land which may be used for the purpose of training in agriculture. It will further give an impetus to the minds of our youth to turn their attention to their everyday surroundings and to the improvement of those surroundings. Now-a-days in view of the purely literary training that they receive miles away from the surroundings in which they were born it is necessary that they should be linked with those surroundings so that they may in any progress that they achieve carry their environment with them in the march of progress. I heartily welcome this measure and I cannot but express the gratitude that we feel in this connection to His Excellency the Governor of Bengal who has taken a deep and personal interest in the promulgation of this scheme. I am also grateful to the Hon'ble Minister of Agriculture for helping so far as lies in his power in the establishment of this institute and to the committee organised by this college which has tried to strike a new path potent with the greatest benefit to the future generations of this province.

Mr. P. BANERJI: The time is short and so I must be very brief. I want only to say that the Hon'ble Minister of Agriculture in making the selection of the site has taken a very wise step. Having experience of this particular place at Daulatpur and having travelled all over India I can say with confidence that Daulatpur can be turned into a modern Nalanda. The Hon'ble Minister deserves our congratulation on establishing the first agricultural college at this place.

As regards the qualification of the boys who would be admitted to this college Mr. J. N. Basu has said that those who have passed the Intermediate Examination in Arts and also those who have completed the I.Sc. course would be taken in. This shows that there may not be those who have passed the Intermediate Examination in Arts. I say that there is an apprehension in the minds of the people that many of the sons of agriculturists will be debarred from admission into this institution if the qualification be not lowered. If that is the policy of Government then let there be two classes. It must be thrown open to non-matrics and necessary training may be given in such subjects in which they are deficient. I have experience of the agricultural training for detenus and I think that the non-matrics have done as well as the graduates of the university. For agricultural purposes strong commonsense is necessary and there is no distinction between a person passing the matric examination and another having university degree. Our country being an agricultural country most of our people by birth know some sort of agriculture but as the Hon'ble Minister has pointed out we need improved training and for that training this college at Daulatpur is going to be established. I think that Government ought to throw this institution open to non-matrics also.

Another special feature of this institution is that it is going to be managed mostly by non-officials and it stands to reason that Government should not interfere with the institution in any way but should give them advice through their experts. That the management should rest with a body composed of non-officials is a very satisfactory departure from the usual practice of Government. I welcome this measure and congratulate the Hon'ble Minister for bringing it forward.

Maulvi ABUL QUASEM: I rise to accord my support to the motion which has been moved by the Hon'ble Minister. I am more interested in this particular motion than any member of this house because the agricultural institute is going to be established in my own district. The Daulatpur College organising committee put forward a representation to Government and the Government have responded to the appeal of that committee. They have accepted a modified scheme. The people of our district have nothing but gratitude for the ready response to their prayer that an agricultural college be established there.

Daulatpur has wide facilities so far as the requirements of an agricultural institute are concerned and Government have been very wise in acceeding to the request of the committee to start a college there.

(Here the time allotted for the demand was reached.)

The motion was put and agreed to.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, Kt., of Ratanpur: Mr. President, Sir, it is the last day of sitting of the present Council, and as the Leader of the House, I crave your indulgence and that of the House for a few minutes to take a bird's eye view of the general achievements of the working of the Montague Chelmsford Constitution during the last fifteen years that it has been in operation.

The present Constitution was introduced and the first Legislative Council under the Government of India Act, 1919, was constituted early in 1921. It was described by that distinguished statesman, the most noble the Marquess of Zetland, who as Lord Ronaldshay was then Governor of Bengal and who now presides at the India Office as "an arresting finger-post upon the road leading towards the goal towards which India is eagerly travelling" and the goal is "a stately edifice rising through the haze of distance upon the horizon."

The first ministry composed of one of the greatest political leaders, Sir Surendra Nath Banerjee, and his colleagues, Sir Provash Chunder Mitter and Nawab Saiyid Nawab Ali Chaudhuri Bahadur, assumed office in an atmosphere of general good will which extended from the Governor to the permanent officials in the various departments. The Ministers were able to influence a sufficient number of members of the Legislative Council to carry through a considerable amount of useful legislation the most noteworthy being the Calcutta Municipal Act, 1923, which is one of the boldest and most far-reaching pieces of legislation and which gave an autonomous constitution to the second city of the Empire. It was described by Lord Lytton as "one of the most voluminous pieces of legislation in the world." In the first Council, some progress was made and some solid achievements were recorded.

The second Council which met in 1924 contained a large and influential body of members who came in with the avowed object of proving the present Constitution unworkable. This body with the help of several other groups succeeded in making the Council refuse the salary of Ministers and certain other demands. The second Ministry had to resign after holding office for eight months. After another unsuccessful attempt to form a Ministry, which had to resign after a fortnight, the Governor in Council had ultimately to resume in 1925 the administration of the transferred departments for a time.

The composition of the third Council which was convoked in 1927 was somewhat similar in character and owing to this factor and various other circumstances, a Ministry which was formed was wrecked after holding office for eighteen months.

Apart from the wrecking of certain groups in the Council, there had been a steadily growing feeling in the province that with the inadequate financial resources of the province under the Meston Award, it was hardly possible to keep the administration going and that there was no possibility whatever of undertaking any constructive scheme for the moral and material advancement of the province. The inability of a ministry to initiate any such scheme in these circumstances came to be regarded as one of the main reasons of its downfall. So strong did the feeling on this point become that Lord Lytton in his farewell message to the Council made the indictment that the financial bankruptcy of the province had been the rock on which the whole experiment of the Reforms had foundered in Bengal.

The present Council met for the first time on the 2nd July, 1929, and the present Ministry took office in December, 1929. The prospect which faced the Council, and the Ministry was by no means a rosy one. At the outset, there was a defection by a large section of its members who resigned with the launching of the civil disobedience movement. The province was experiencing the first stark difficulties of the world-wide slump and found that the inadequate resources with which it had been struggling so long were shrinking still further. The fall in prices was wrecking the entire economic structure, agriculture was not paying its way, trade was being paralysed and there was grave political unrest in the country. The Council applied itself diligently to its task. It has had no less than eighteen sessions and about 625 working days have been devoted by the honourable members to the day to day work of a session. Another evidence of the energy and industry, which the honourable members brought to bear upon the public affairs of the province, lies in the fact that during the life-time of this Council, no fewer than 4,017 questions were asked and answered, 1,687 resolutions were tabled, and notice of 5,566 motions for reduction of grants was given. This Council appointed 64 Select Committees and has passed no less than 104 Bills during the little over seven years of its life as compared with 44 Bills passed by the three Councils during the earlier eight years of the working of the present Constitution. And may I here mention as an evidence of the well-informed zeal and unflagging spirit of service which have been infused into every branch of the administration during recent years, that out of the 104 Bills passed by the Council, no less than 81 have been passed during the four years that His Excellency Sir John Anderson has been Governor, as compared with 62 passed during the preceding 11 years. Among the measures enacted were several which were initiated by the

non-official members of the House. Most of the measures enacted were doubtless initiated by Government, but in formulating these measures we were largely influenced by the attitude of the Council towards the problems which they were asked to deal with. Then after introduction into Council, our measures were critically examined by the non-official members who assisted considerably in hammering them into shape. And they could be finally enacted only with their support. A most noticeable feature of the legislative activity during recent years has been the great variety of problems dealt with—social, moral, economic and political. In fact, there is hardly any field of legislation which has not been touched. And the Council as a body has never shrunk from dealing with these problems, boldly and fearlessly. While zealously watching the interests of the people, this Council has approached all measures brought before it with a sense of responsibility and has never hesitated to support the Government whose attitude towards administrative affairs has been largely influenced in recent years by the views of the honourable members of the House. There has not been a single occasion on which His Excellency Sir John Anderson has overruled the decision of the House or certified a demand which had been refused.

Sir John Anderson's Government has been able with the support of this Council to initiate the work of reconstruction which has been proceeding as quickly as possible. Peace and order has been restored. In financial matters, the province has been able to get back some part of the justice which was long due to it by the assignment of a part of the jute export duty and there has been some betterment of the position. A comprehensive and well-planned advance in the countryside has been initiated under favourable auspices, and all that is possible is being or will be done to recreate a more healthy and vigorous life in the villages and an active desire to bring about a better order of things is manifest all round.

That so much could be planned, initiated and attempted, is largely due to the spirit in which this House has worked the Constitution and to the way in which it has co-operated with and supported the Ministers and the Members of Government. It shows how much can be achieved by co-operation and good-will even under this dyarchic constitution and what valuable opportunities were lost and how much precious time was wasted during the preceding five years. It is also due in no small measure to the spirit in which the Constitution has been worked during recent years, particularly during the Governorship of Sir John Anderson. During His Excellency's term of office, the system of Joint Meetings or deliberations between the two halves of Government—the reserved and the transferred—in all important matters, has been developed fully, and although the decision has been ultimately taken by the side responsible for the subject, every side has full opportunity

to express its views and to make its suggestions. And such free exchange of opinion and discussion has not infrequently influenced the side charged with administering the subject in coming to its decision. On the transferred side, although we, Ministers, have always had the benefit of the valuable advice and practical suggestions of His Excellency and his official advisers, and the opportunity of shaping our proposals accordingly, I trust I shall not be betraying an official secret when I say that there has not been a single occasion on which His Excellency has overruled any decision taken by any Hon'ble Minister in his department. (Hear, hear.)

I should not like to conclude without a word of tribute to the permanent officials inside and outside the Council. Members of Government have worked with a succession of Secretaries and heads of departments and I am happy to say that we have worked together smoothly and harmoniously, and that there has never been any difficulty. We may have found ourselves in disagreement with their views; but speaking for myself, and I am sure my colleagues' experience is the same, after a matter had been thrashed out in discussion, and a decision arrived at, there has never been anything but consistent loyal support in giving effect to the decision taken. I shall also take this opportunity of acknowledging the invaluable assistance rendered by the successive official Whips, and I should like to mention especially the two present Whips. Mr. Gilchrist has long been connected with this House, and his labours recently have been directed to making smooth the way for the introduction of the Reforms. Mr. Mitter's name is a synonym for energy, vigour and vitality. (Hear, hear.) It speaks for itself that, although much contentious legislation has been carried, they have retained throughout the esteem and good wishes of all sections of the House.

In conclusion, may I on behalf of my colleagues and the members of the Council express to you, Sir, a sense of our appreciation of the manner in which you have filled the Presidential Chair with dignity, patience and courtesy, and have helped to build up a series of rulings and precedents which will make for the introduction of the best traditions of the parliamentary system. (Hear, hear.) You have always held the balance even and impartially between conflicting interests and differing groups in this Chamber. It is under your guidance in this House that we—officials and non-officials—have laboured together honestly and diligently for the welfare of the province in the faith that in the fulness of time the people of this province will gather the harvest. It is with this faith and with a good conscience that we shall hand over our charge. If it is not out of place, I should like to refer here also, Sir, to your Council Secretary and his staff. All members of this House owe much to the skill and tact which they have shown in making the Council machinery run smoothly; and the recent

tragically sudden death of Mr. McKay came to all members of this House as a personal loss. To those members of the Council who will seek election to the new Assembly, I offer my best wishes in the trust that the manner in which they have risen to the opportunities open to them and the experience they have had of public affairs here, will carry weight with all fair-minded people. And they will certainly deserve well of the country if they can assist in the formation of well-defined parties with real constructive programmes. Now the Ministers are left to evolve a policy and this the other members of the Council proceed to criticize. There may be individuals with policies of their own, but there is no organised opposition agreed upon putting forward an alternative policy as that accepted by that party. Although the Ministers have hitherto been able, with the influence and support of some groups, to carry their proposals through the House, the existence of well-defined parties with constructive programmes is necessary for the successful working of a parliamentary constitution.

Sir, I now bid you and the members of the House farewell, and in doing so, I thank them for the good-will and courtesy they have extended to me and my colleagues on the treasury bench and for their support and co-operation.

Dr. NARESH CHANDRA SEN GUPTA: Sir, on this the last day of the Council I would like not to harp upon unpleasant memories of which unfortunately there have been not a few in the course of the past six years of this Council. I should have liked very much to emphasise rather the personal kindness and friendship which we have had here and the spirit of give and take which we have certainly felt on both sides. I regret, however, that the Hon'ble leader of the House in his speech has trodden upon a ground which opened up controversies which might possibly embitter our utterances on this last day. I will not tread upon that. Even in the thanks and congratulations which he has bestowed all round on his supporters, his colleagues, the permanent officials and not the least to the whips who have very creditably acted not as whips but as veritable cats-o'-nine-tails—I do not say that deprecatingly—I say that their activities were not of one whip but that of a cat-o'-nine-tails—even in that congratulatory address he has not had one good word to say of the opposition who has had the privilege of fighting the Government.

The Hon'ble Nawab Sir MOHIUDDIN FAROQUI, Kt., of Ratanpur: I think, I have.

Dr. NARESH CHANDRA SEN GUPTA: Very well, I qualify the statement by saying "very little good to say", well, perhaps because that opposition was in spite of their small number a perfect nuisance. However, I will not harp on that. I will not even run

over the achievements of the past and the failures of the past in trying to balance the failures against successes. I do not say that there has been nothing achieved, but compared with what might have been achieved by a Council like this which was willing to give its utmost loyal support to Government, the achievements I am sorry to say have been nothing.

So far as we are concerned, so far as myself and my friends on this side of the House are concerned, our memory is simply that of ploughing the sands and reaping an abundant harvest of futility. That is not a pleasant memory to carry at the end of the day's work. Notwithstanding that we have the consciousness and the very heartening consciousness of having fought a clean fight and we know and feel with pride that we have not sullied our honour or betrayed the trust that our countrymen have placed upon us. We have been defeated right through, but we can accept that defeat as sportsmen and as soldiers of the Nation, in the cheerful consciousness that though defeated now, we have not been beaten, that there is still enough of fight left in us and we shall yet fight in our country's cause.

I shall conclude with deep acknowledgments to the great deal of personal kindness which we have received, every one of us, from the members of the Treasury Bench, and in particular from His Excellency the Governor. To that compliment, if it be a compliment, I shall not have the slightest trace of qualification to add. For that we shall carry pleasant memories of gratitude hereafter. With these words, I wish you all farewell. I wish I could say with confidence *auf wiedersehen* but I am afraid I cannot venture so far.

The Hon'ble Sir JOHN WOODHEAD: Sir, for the official members of the Council this occasion is one of special interests. Under the present constitution a Provincial Executive includes persons in the service of the Crown in India and certain members of the permanent Civil Services are members of the Provincial Legislature. Such is the present position and such it will remain for a few months longer. But from April next the official element will disappear from the Provincial Executive as well as from the Provincial Legislature. Under the present constitution the official members of the Executive Government share with their non-official colleagues responsibility for the acts and policies of Government; but under the new constitution responsibility for unpopular measures as well as popular proposals will rest with a Ministry composed entirely of non-officials. Again, under the present constitution certain members of the permanent Civil Services of the Province perform duties of a parliamentary kind, but under the new constitution officials will take no part in the deliberations and decisions of the legislature; the official bloc will disappear and the Provincial Executive will not be able to rely upon the votes

of the official members to aid them in obtaining supply and passing legislation. The changes which I have described are of special interest to officials, both inside and outside this House, for they mark the final step in the passage, through the intermediate stage of Dyarchy, from the old order of bureaucracy, under which many of us have been brought up, to the new order of democracy in the provinces. The Hon'ble Minister and Leader of the House has paid a tribute to the invaluable assistance rendered him and his colleagues by the members of the Services. Sir, that tribute will be greatly appreciated and may I add this: the loyalty of the Services is traditional and we may rest assured that the Ministers under the new regime, like their predecessors in office under the present constitution, will be able to rely upon the loyal service of the permanent officials.

Sir, for me this occasion is one of particular personal interest, for in a few months' time it will be my lot to bid farewell to a Province which has been my home and which I have endeavoured faithfully to serve for 32 years. The majority of us, no matter what our walk in life, look forward with pleasure to retirement and, Sir, I belong to that majority. But there are often two sides to a picture and when next April I leave Calcutta, what will be uppermost in my mind will be my regret at leaving a country in which I have spent the best years of my life and in which I have made so many friends.

To-morrow we shall separate, and on this day of farewells, on behalf of my fellow officials and myself, I desire to join with the Leader of the House in thanking you, Sir, and the non-official members of the House for the good-will and courtesy you and they have extended to us, and if I may once again strike a personal note, may I take this opportunity to thank the House for the support it gave to Government in connection with that vital question of the financial settlement under the new constitution?

And, in conclusion, I would join with the Leader of the House in expressing our appreciation of the manner in which you, Sir, have filled the presidential Chair. As Nawab Sir Mohiuddin Faroqui has said, you have always held the balance evenly and impartially between conflicting interests and different groups, and we join whole-heartedly in his tribute to your work as President of this Council.

Mr. ERIC STUDD: Sir, I cannot help feeling some sense of regret that my predecessor is not here to-day, for with his wide experience and long membership of this Council, I feel he would have done much more justice to the present occasion than I can hope to do. Indeed, Sir, if I were speaking as a private individual, I should feel that it was almost presumptuous on my part that such a new member of this Council should get up to address the House on an occasion like this, even though it has been my privilege to be one of the

representatives of Bengal elsewhere for a number of years and I have always followed the proceedings of this Council with the greatest interest. But, Sir, to-day I speak on behalf of the European Group in this Council of which it is my great privilege to be the Leader. And on their behalf I should like to endorse very warmly the tribute which the Leader of the House has paid to you, Sir, as President of this Council. We most warmly appreciate the wisdom and tact with which you have presided over this Council and have guided its deliberations, and I should like to extend our thanks to you for the kindness and courtesy which we have always received at your hands.

To the members of the Government and of the official bloc I would say how much we appreciate the help and information which they have always given us so readily, and the attention which they have always given to the views which have been expressed from these benches, particularly on matters which specially concern the community which we represent. May I on behalf of the European community express our warm congratulations and good wishes to Sir Robert Reid and assure him that he takes with him to his new appointment the warmest good wishes from the European community in Bengal!

To the members of the Opposition, Sir, I should like to say how much we appreciate the attentive hearing they are always ready to give us and their realization of the sincerity of our endeavours even though, too often, their views and ours may have been very divergent.

I am sure that there cannot be any member of this House to-day who does not feel on this occasion a keen sense of sorrow at the untimely death of the Secretary of this assembly, Mr. McKay. It was my misfortune that I did not know him personally and was not a member of this House while he was Secretary to this Council. On every hand I have heard tributes paid to the sterling work he did and, indeed, to any one who has any knowledge of the work entailed in the organisation of a legislative body of this kind, it must be apparent that a master-hand has been at work. We mourn his loss to-day and his work will be sadly missed in the new Assembly.

I feel, Sir, that it is perhaps too early to try and form a full and just estimate of the work which has been done by this Council, for, surely, it has been laying one of the foundation stones of the biggest constitutional experiment in history. No foundation stone can be finally judged until the superstructure has been put on the top. But there is at any rate some evidence now clearly apparent, of work well done. The procedure of this House, the formation of which is so much due to you, Sir, and the custom and tradition that have been built up, will I am confident go far towards helping the procedure of the New Assembly and solving many of the problems which it will be called upon to tackle. I am confident, too, that the constructive

work and the co-operation which has been shown in this Council will stand the test of time, and, as years go by, it will be proved to have been well done. The experience which all of us have gained must prove to be an invaluable asset in grasping the opportunities and tackling the problems which will arise when the new Assembly begins its labours. May I pay a special tribute to the Ministers for the way in which they have tackled the problems and the work under their hands? To me, as a new comer, it has been particularly impressive, the way, in which they have obviously an intimate knowledge of their subjects and the readiness with which they answer questions even when at times they are bombarded with supplementary questions. I am confident that in the years to come many of us will look back with satisfaction on the work that has been done here and count it a privilege that we have been able at any rate to take some small part in that work. Turning for a moment to the new Assembly, as Sir John Woodhead has said, the most obvious change at the very beginning will be the absence of any official bloc; and I am quite certain that to every member of the House that will be a matter of personal regret. We, or our successors, who will come here, will no longer find the same familiar faces sitting on those benches. I am sure that in our hearts we shall also regret that the administrative experience of those experts will not be so readily available in the future, as it has been in the past. Increased responsibilities under the new regime will be enormous not only for the Ministers who in addition to the control of the administration of the country will be responsible for initiating new policy and for seeing it through, but also for individual members when a few votes given without proper thought or without a proper sense of responsibility may result in far-reaching consequences. The European community, Sir, are fully conscious of the increased responsibilities which will be thrown on them and on all members in the new Assembly. They realise that more than ever co-operation will be needed. They are determined that their representatives shall be worthy of the responsibility thrown on them and that they shall take a full share of that responsibility and give full co-operation not merely in the things which particularly concern their own community but in everything concerning the welfare of Bengal.

Sir, our critics have sometimes said light-heartedly that the Europeans come to this country for a few years, make enough money and then retire. I think, Sir, that they are doing us less than justice. Sir John Woodhead has already said that many of us who have spent the best years of our life in this country, when the time comes for us to retire, do so with feelings of regret at leaving a country which we have learnt to love; we carry with us happy memories and we retain them until the end and take a very keen interest in the affairs of India and of all things concerning her. Sir, whether it be in business

or in whatever walk in life we may be, we should have done our work but poorly when the time comes for us to go, if we have not trained younger and perhaps abler men to take this up. What is true of whatever our occupation may be, is equally true in the larger sphere of public service. I do not think that even our keenest critics would maintain that in the past there had ever been a time when amongst the leaders of the European community there had not been men who in addition to their business had given largely and generously of their time and abilities to public work for the welfare of this country in one way or other. That, Sir, seems to me to be the most important point. Men may come and men may go, but so long as the tradition is established and the torch is carried on, it does not matter very much who the particular individual is; and I can assure my hon'ble friends that, as in the past so in the future, there will always be men available amongst the European community to whom they can look for assistance and co-operation in matters of public interest and public welfare in Bengal.

Sir, there is always some sadness in farewell and there must be thoughts of sadness in the hearts of most of us in this the last meeting of this Council. This is the end of a chapter—and a very important chapter—but I think that those thoughts of sadness may be softened and tempered if we look forward to the possibilities and the opportunities of the future. I can only express the hope that when the new elections are finished and the new Assembly first meets, there will be found in this Chamber many of the old faces who will return with renewed resolution to bring the experience which they have already gained to the problems of the future.

Babu JATINDRA NATH BASU: Mr. President, Sir, it is the last day in the life of this Council. We cannot but look back with keen regret that Mr. McKay our late Secretary, is no longer here and will not be available to assist the future legislature with his experience, tact and patient industry. His death has been a great loss to this Council and it would be a loss to our successors. I do not desire to refer to the work that this legislature has done during the past 7 years. It is too early to say anything about the output of work. I should prefer to leave the estimate of that work to history. But here has been one remarkable feature in the manner in which that work has been done. There has been mutual good-will and courtesy. Though there has been keen differences of opinion but those differences have not been permitted to develop into anything like animosity. In regulating the conduct of the business of this House you, Sir, have shown a tact and a knowledge of parliamentary practice which has won for you appreciation not only from this House but also from the general public. You have, as has been stated, held the scales even and you have carried on the business of this House with dignity and in consonance with the best traditions of

parliamentary institutions. Sir, we are at a very difficult stage in the history of our constitutional progress. As regards the constitution that is coming, there have been divergent views and it is unnecessary to go into them. There are many in this House and all over the country who consider that both as regards the motive power moving the constitution and the machinery to work it, the frame-work of the constitution should have been different from what it is. Time alone will show as to whether the constitution which is coming will function for the real benefit of the people. In the past the expectations that were held out about the working of the Montagu Constitution have not been realised to a great extent, as has been pointed out by the Hon'ble the Finance Member, owing to the paucity of funds. No doubt, by repeated agitation about the injustice from which this province has been suffering some little act of justice has been done, but that has been too meagre to meet the requirements of the Province. We cannot but feel anxiety about the state of things that is coming. The country has been divided into a number of small provinces, each of which will have to set up an expensive system of administration, executive, legislative and otherwise. So far as one can look ahead to the immediate future, the resources that are available will be swallowed up mostly in oiling the machinery and keeping it in order. The work for raising the people may have to wait for a great length of time unless there are extraordinary changes in the economic world. That is a feeling which looking at the Government of India Act as it is, we cannot but feel. Sir, however, let us hope for the best and let us all work for a better system. Before I resume my seat I again convey to you our heart-felt thanks for the manner in which you have conducted the affairs of this House.

Mr. B. C. CHATTERJEE: Sir, as I listened to Sir John Woodhead I could not help feeling a sense of that sadness of farewell of which another member has also spoken. We are bidding farewell to the members of the Civil Service as our rulers. But I can assure Sir John and Sir Robert that India can never forget the services rendered to her by the Civil Service. On this day of leave-taking, I hope you will only remember the good that that Service has done and think of nothing else. It is the greatness of the Service that any empire has ever had. It has built up in India a tradition of incorruptability, neutrality and efficiency which we Indians will always do well to remember. Sir, the fact will be denied by nobody that the Indian Civil Service has evolved cosmos out of chaos in this ancient land of ours, that they have made it possible for us to receive education on modern lines and to receive the greatest of England's gifts—the gift of the ideal of freedom. We say good-bye to them as rulers of Bengal but we are not saying good-bye to the service in any other capacity. The younger men who will remain will not stay back to rule Bengal but they will share with us the greater privilege of serving Bengal. Just as in the old days the test of

the greatness of the Civil Service was its good service; and to use the words of the greatest ruler of Bengal, the test of the greatness of the civil servant in future shall be the greater service of Bengal. And I can assure them that though they will not have the control of the Bengal's body politic Bengal shall not forget them. Bengal shall foster and maintain them as she shall maintain those of her own flesh and blood.

I have heard some words of apology from members of this Council about the work this Council has done. I do not think this Council need apologise to anybody; it has done some valuable work; it has proved that Bengal can produce a President who knows his business; it has proved that Bengal Hindus and Muhammadans can do very well with joint electorate because this Council has established joint electorates for district boards and municipalites and has given a slap on the face of the inequitous communal award which hangs like a black shadow over our future. This Council has proved that the Hindus and Muhammadans can work together and they shall work together in spite of the communal award.

Maulvi ABUL QUASEM: Because of the communal award.

Mr. B. C. CHATTERJEE: Very well, I will not fight with grammar.

In the next place this is the only Council where a Minister of the people has acted as the Leader of the House. This is distinct advance on the other provinces. This is the Council which has also tackled the very great question, the outstanding question, of Bengal—the question of agricultural indebtedness. Therefore I do not see any reason for the faint-heartedness with which some of our colleagues have spoken about the work of this Council.

I shall conclude by referring to our countrymen including my friend Dr. Naresh Chandra Sen Gupta who said something about the matter to the very great possibility of work that lies before us if we Hindus and Muhammadans can work together as we can see from the result of the great work that the Hon'ble Nawab Faroqui and Mr. S. C. Mitter have done together.

I have finished but I join with my other fellow members in the expression of personal regret that we shall not see the two whips who have been here for these years in the new Council if we have the luck to come back here.

Mr. H. S. SUHRAWARDY: Sir, allow me to drop a languid tear on the passing away of this Council. I will not embark on a dissertation of its past, present or future or on the changes that the new constitution is likely to make in the political atmosphere. I will touch somewhat briefly on what is a personal note, which this change will effect.

But there is one remark that I should like to refer to before I touch on that personal note—the last remark, almost the last remark of Mr. B. C. Chatterjee. Mr. B. C. Chatterjee has said that this Council has shown that the Hindus and Muslims can work together. It is axiomatic that the Hindus and Mussalmans must work together in every legislative assembly and it will be the ruination of this province, whether in this Council or the future Council, much more in the future Council, when the responsibility will be on the leaders of the people, if the Hindus and Muhammadans cannot see eye to eye with each other and cannot wholeheartedly co-operate with each other. We may come to the Council or may not, we may come through different doors; we may raise different cries at the time of election but I particularly feel that once we enter the legislature we must work in a spirit of co-operation. A spirit of co-operation is required for the working of the future reforms.

Now I come to some of the pall bearers of this Council. Undoubtedly what we notice most is that in the future constitution the permanent service will be absent from our midst. It will be absent from the legislature but we hope that its spirit will be with us, and we know that we can rely upon its efficiency and administrative ability outside this Council. We shall miss the hard-headedness of the Finance member, the Hon'ble Sir John Woodhead, who has so ably piloted this Council through a period of extreme financial stringency. We shall miss the Home Member the Hon'ble Sir John Reid who in spite of the terrific onslaughts of the opposition has always swayed but never broken. The Hon'ble Member in charge of the Judicial Department has made such a mark in this short time in this Council that he should be the envy of his confreres. He came with a tremendous reputation which he has amply justified. He came with a knowledge which he has placed at the service of this legislature, and only recently he has passed an Act relating to insolvents of this town which may be useful to the members of this House.

The Hon'ble Sir BROJENDRA LAL MITTER: Then they will cease to be members.

Mr. H. S. SUHRAWARDY: He will be translated from here to other spheres. He has been moving about in various spheres from time to time, but the sphere to which he is now going will be such an important sphere that he of all persons is the best fitted to occupy it. Then there is the Member for Irrigation whom we know much better as the Education Minister and the person who piloted the Primary Education Act and the Rural Agricultural Indebtedness Relief Bill and various other Bills which are having such a beneficial effect upon the people of this province. I shall not refer to him in very great detail because we hope to see him as our Minister here in spite of the most virulent and unreasonable opposition. As regards the Ministers I shall not

refer to them because we hope to see them in our midst and most of them will be occupying the self same place which they are occupying to-day. Behind them there are some others whom we shall miss considerably. We miss most certainly Mr. McKay; those of us who have known his work and his geniality shall miss him, but the future generation will not know what he did for us. We shall cherish his memory with gratitude. We hope to have in our midst supporting us from a different building, the Chief Secretary who has had to go away on leave for medical reasons, but whose experience and ripe judgment will be most valuable to the ministry that may be formed. Then we shall miss the blandishments of the present acting Chief Secretary. We shall miss the happy smile of the Finance Secretary, Mr. Gladding and the Joint Secretary of Co-operative Societies, Mr. Porter, who is carrying such a heavy burden on his back. We shall miss the salutations and greetings of the Secretary of the Local Self-Government Department Mr. G. S. Dutt, and the very courteous and kindly smile of Mr. Kindersley: we shall greatly miss the Education Secretary, who has done so much work for us—his work has been greatly appreciated by us. Besides these there are many others to whom I could refer, we shall miss them all but I hope that they will be behind the new legislature and will help in making the new reforms a success. Although they will not be in the legislature, we are certain that they will work the constitution with the self-same loyalty which they have given to the present cabinet. I will not refer to the achievements of the cabinet, its wonderful achievement within the last 7 years has been rendered possible, shall I say, by the presiding genius of our most excellent Governor, whose finger is visible in most of the various reforms which have recently been put through in this House.

Coming to non-official members there is one section that will be with us. We are glad that they will be with us although some of us have doubts about the justification of their being present in such large numbers. I shall not refer to that controversial point. I refer to the European group. Their presence is very necessary in the new legislature. In the new Assembly most of the members will have had little experience of legislatures, they will come with considerable hopes and with an unbounded enthusiasm, and every one of them possibly will have a scheme of his own as to how to change the face of the province; a certain amount of stability and tradition will be necessary to moderate that enthusiasm and we look to the European group to give us that stability and moderation, which will be necessary to work the new constitution successfully.

With regard to ourselves, the non-official Indian members, all of us hope we shall come in but many of us will probably be disappointed. After all it does not matter who comes in, as has been so ably said by the leader of the European group, so long as the tradition goes on. It

does not matter who occupies the seats. Elections always leave behind them a feeling of combatism which is most deplorable, but it cannot be helped. Some will come and most will not, but we trust that the output of the future legislature will be such that the yearnings of the people will be fulfilled, the face of Bengal will be so changed that it will be a happier place to live in. Before I sit down I must refer, as the other members have referred, to those who are known as Government whips. I have not considered them ever as Government whips because their hands have not been very heavy upon us. They have headed us into the various lobbies, and often we have gone willingly with them. On other occasions we have marked the yearning look in the eyes of Mr. Gilchrist or of Mr. Mitter, when we have strayed into the wrong lobby, but it has never left any acrimony behind and we are grateful to them for the manner in which they have exercised their power.

The Council has been able to put through a considerable amount of work owing to the co-operation of a very reasonable opposition. The remarks of Dr. Sen Gupta almost seem to convey the impression as if the opposition was something outside the legislature and that legislation was put through the Council in defiance of the wishes of certain members of the House. These members, however, cannot dissociate themselves from the enactments, or from the legislature, merely because they were opposed to the measures of the opposition, even though it may be defeated, is a very valuable part of the legislature; and we trust that the opposition will come to the future Government with very reasonable criticism and sound co-operation, and occasionally with very flattering praises for Government; particularly such as were only yesterday bestowed on the Hon'ble Nawab Sir Mohiuddin Faroqui. With these words, I beg to resume my seat after offering to you Sir, our heart-felt thanks for the manner in which you have conducted the business of the House.

Mr. SARAT KUMAR ROY: Sir, I am thankful for the opportunity you have kindly given me to say a few words before we part; and I wish to avail of it only to express some of my sincere wishes on a subject that vitally touches the majority of this House, and I am proud to say that such majority represent here the landholding interests in the province whether as landlords or as tenants.

Sir, I think no subject touches them more vitally than the laws which regulate the relations they bear as between themselves as well as what they have with the Government of the country. During the last few years, attempts have been made, I am sorry to say, from some quarters, to disturb the hamony in this relationship. In some cases conflicts between the interests did arise, rather seriously. In such conflicts, while one section of the community have been conspicuous by their defensive attitude, the other section, on more occasions than

one, have shown much warmth in their offensive attitude, forgetting, for the time being, that the prosperity of both of them lies in a harmony between them. We should always remember that our prosperity depends upon the fixity of our land tenures. Neither the landlords nor the tenants can possibly prosper if their tenure of occupation is non-permanent and therefore precarious. And I need hardly add that any move for a change in the contrary direction will inevitably lead to our common danger.

The foundation stone of the land-laws of Bengal consists of the Permanent Settlement of 1793. Before promulgating that law the then rulers of the British possessions had made futile attempts upon securing their revenues by temporary settlement. These were persisted in for about 30 years; but when all such attempts failed they fell back upon building up a permanent system of land tenure. Those who now assail the wisdom of this measure forget for the time being that the whole fabric, I mean, the entire land system of Bengal is built upon its principles. There could not have been in our statute book a law like our Bengal Tenancy Act had there been no Permanent Settlement behind it. So likewise there could not have been subordinate *taluks* and tenures at fixed rents unless the tenures of *zemindaries* were made fixed and therefore unalterable by subsequent legislation. Neither would there be occupancy rights, heritable and permanent in nature as they are, for the mass holding lands under the *talukdars* and tenure-holders. Nor could ever arise the question of their possessing transferable rights in their holdings unless their interest therein was of a permanent nature. If you wreck the foundation the whole structure will tumble down. So the mischief that will arise in wrecking this permanent settlement is too obvious to be pointed out to all right thinking persons. And I submit that any attempt to wreck it will be dangerous not only to those who are interested in them but such a thing will also prove highly injurious to the interest of the Government. In the first place therefore I warn my friends who are bent upon wrecking this foundation stone and who I am sure, will come again in larger number than at present, to think twice before making up their minds for this purpose. To those who have interest of the Government at heart I also earnestly appeal and I request them to think for once whether it would be practical politics to do without a system that has hitherto worked so well and had not only led to the present prosperity in Bengal but are also very likely to conduce further to such prosperity for all times to come; whether they want to maintain the ease and smoothness in the revenue administration in the country that the Government now enjoys under this system; and whether the uncertainty of the provincial revenues and therefore the unstability of finance would ever be helpful to them in running the new Government with enlarged responsibilities that are going to be introduced shortly.

Now, I turn once more to my friends who represent the tenants here that our interests are same when we face with the Government and we should never forget this fact. If we stand united we shall be able to withstand the inroads that are now and then attempted to be made by the imposition of fresh burden upon our lands. If we do not so stand there will be nobody to resist enhancements of the burden. Furthermore, we should always remember that unless there is peace in the administration of the province, our agricultural industry cannot flourish. For this end I have always supported the Government activities for securing peace in this country, i.e., maintaining law and order in the country and I wish my friends should always remember that my support for the Government was given for that purpose, as I sincerely believe that we all are in duty bound, nay of necessity we should always lend such support to the Government whose protection we so covet and upon whose sympathy we depend so much and so often and I also sincerely believe that we depend upon the Government for our prosperity and development in other spheres also.

Sir, these ideas have guided me throughout the period I had the honour to represent my constituency and I sincerely wish that those who will represent them henceforth shall very kindly adopt the same ideas if there is nothing to say against them.

Sir, allow me to join with the tribute of praise to you, Sir, and to late Mr. McKay and his staff which my predecessors paid to you and to them.

Mr. PRESIDENT: Gentlemen of the Council, I really feel a wrench within me in saying good-bye to you. This is, perhaps, our last meeting. The day is not distant when Diarchy will become a thing of the past—when this Council, which has during the last seven years given us a common platform to stand upon to serve our King and country will cease to function. During these years it has been a nursery of constitutionalism, discipline and patriotism. Here, we have formed new ties, built up new ideals and established traditions of which we may well be proud. For seven long years we have striven hard, according to the light in us, to put Bengal's Parliament on the high road that leads to the goal which has been set by the Mother of Parliaments—a goal which looms large in our vision, intensified by the glorious examples and conventions of that august body. In spite of our honesty of purpose we have not been able to escape the attention of those who delight to dwell in Jeffrey's den. Our critics have often belittled us as a "Toy Parliament". They have ridiculed our genuine attempt to create traditions and conventions and laughed at us for our determination to follow in the wake of the British Parliament; but, I

dare say that when the history of the constitutional progress and advancement of Bengal comes to be written the account of the seven years that have flown away on the wings of time shall constitute one of its most remarkable landmark. The Press of a country, unless it is demoralised or desecrated, is a powerful instrument in the hands of God to inspire every unit of its people to live for truth. I have great faith in its creative and protective powers. I do hope that the Press in India will continue to help Indian Legislatures to create healthy conventions and establish within the radius of their influence Parliamentary traditions of real value and effectually curve the spirit of revolt against accepted and time-honoured principles and practices. Any way for seven years we have relentlessly toiled to find unity in diversity and achieve that solidarity without which there can be no progress or advancement—without which co-ordination or standardisation of works undertaken or done is utterly impossible. There have been no doubt acrimonious debates and clashes of views and ideas, but fortunately such conflicts in the end settled down on a fertilising course. I have always endeavoured to set the helm of this Council upon the right course, constantly keeping in sight the beacon-light of the best traditions of the British Parliament and British Speakership. I shall, however, be guilty of lack of candour and prevarication if I do not confess that I would have utterly failed to get the correct bearing had I not been fortunate enough to have in the fullest measure your sympathy and good-will, your advice and co-operation. Your generous assistance in moments of doubt and difficulty and your willingness to abide by the rules of duty in the midst of raging controversies were my best assets. The astute politician who is the Leader of the House, like his illustrious predecessors, has also rendered invaluable assistance to me.

Your patience and tolerance have been wonderful. Sympathy is a universal solvent and you were able to realise that if I had been hard at times it was so because I set a very high premium on Parliamentary discipline without which our corporate life could not have been healthy or efficient. A corporate life has got to be scientifically created and methodically developed with the help of a compact system of common laws, regulating with clock-work precision the actions, habits and manners of each unit of the whole and discipline alone can provide a stable foundation on which a corporate life can be built. Nevertheless I crave your indulgence to forgive me if I have ever hurt your feelings or made myself in any way obstructive to you by unduly restraining your freedom of action in this House. Any way, you have earned my everlasting gratitude by helping me to run the legislative machinery in Bengal for seven long years without any untoward incident which might have tarnished its record and left behind it a deep-seated rancour. Emerson voiced forth words of rare wisdom when he said

that, "It is a part of prudence to pay your debt". I was really willing to do so but do not blame me if I failed, as my failure to pay the debt of gratitude which I owe you was not due to anything other than what the same master mind has described as, "the general insolvency which in some sort involves all".

The words of sympathy and encouragement with which you have greeted me this afternoon will cheer me, comfort me and give me strength throughout my life. Words of praise invariably embarrass the recipient, particularly when he is painfully conscious of his shortcomings and imperfections. I am not talking of empty words of praise but of compliments sincerely paid to indicate true appreciation of work done. Be that as it may, do not doubt even for a moment that the sincerity of my soul reaches my words when I say that I am deeply touched by your overwhelming kindness which have made deep and ineradicable impressions in my mind.

I now adjourn the Council till 3-50 p.m. this afternoon.

The Council was then adjourned till 3-50 p.m. of that afternoon.

The Council re-assembled at 3-50 p.m.

At 3-55 p.m. the Secretary proceeded to the portico to receive His Excellency. The Assistant Secretary to the Council then announced the arrival of His Excellency to the Hon'ble the President.

The Hon'ble the President then met His Excellency in the centre of the inner quare under the small dome in the vestibule from where a procession was formed in the following order:—

Assistant Secretary to the Council.

Secretary to the Council.

The Marshal with the Mace.

The Hon'ble the President.

His Excellency.

Private Secretary to His Excellency the Governor.

Aide-de-Camp.

All present then rose as the procession entered the Council Chamber and remained standing until His Excellency and the Hon'ble the President took their respective seats. The Hon'ble the President then invited His Excellency to occupy the Presidential Chair, and the Hon'ble the President himself took his seat on His Excellency's right hand.

His Excellency then addressed the Council as follows:—

His Excellency the Governor's Address and Prorogation.

I have come here to-day to say good-bye at the end of the last session of the Bengal Legislative Council under the present Constitution.

Some of you have been members of this legislature since it first met in 1921, and though you may be looking forward—with varying degrees of confidence—to membership of a larger and more powerful Assembly or of a smaller and more exclusive Upper House, I dare say that on this occasion none of you will watch without a tinge of regret the passing of the Council that you know so well. Many, if not all of you, will carry away recollections not unhappy of triumphs and disappointments, of humour—good or bad—and of friendships that men make who come to respect each other's principles and abilities however greatly they may have differed in the rough and tumble of political controversy.

I share with you in sorrow that old and familiar faces are missing since I last addressed the Council. Maulvi Abul Kasem, that stout old Warrior, has passed to his rest. Mr. Surendra Nath Law, Mr. McCluskie, Rai Sahib Panchanan Barma, Khan Bahadur Alimuzzaman Choudhury, Khan Bahadur Emaduddin Ahmed, are with us no more. All of these I knew personally. Your Secretary too, Mr. McKay, has been taken away at a time when both personally and officially his loss is a heavy blow to a legislature in a state of transition.

Before we part let us look back briefly at what this Council has accomplished in the 16 years of its existence.

Your predecessors in the first three Councils had a chequered career not lacking in excitement. They made two major contributions to the Statute Book of Bengal—the Act for ever associated with the great name of Sir Surendra Nath Banerjea that established the Corporation of Calcutta on its present basis and later the Act which amended the Law of Tenancy in Bengal. Like yourselves at a later date, they were called upon in 1922 to impose provincial taxation and did so in the form of amusements taxes and increases of stamp duty. For the most part however the composition and complexion of this provincial legislature were conditioned by political developments transcending the scope of purely provincial affairs and the death in 1925 of the late Mr. C. R. Das removed from the field of provincial politics a strong personality who, whatever may be said of his previous negative attitude, had, if I mistake not, begun to conceive the idea not merely of constructive, as opposed to destructive, opposition, but even of active co-operation.

The present Council has enjoyed a long life—longer than could b foreseen when the first decision to extend its term was taken. It ha been accused by critics of truckling to the Executive—but I venture t say that in its record of constructive legislation this last Council ca challenge comparison with others and its members can find ground fo solid satisfaction.

In the first year of its life this Council passed the Primary Educa tion Act—a far-reaching statute which though long kept dormant owin to economic depression is, if I am not mistaken, still very much alive.

The law relating to local self-governing bodies has been entirel overhauled by a series of enactments starting with a complet refashioning of the law of municipalities and ending with the Bill tha you have just passed which opens up new avenues of development i local self-government in the districts.

The law governing the incidence of cess has been completel remodelled and even though its practical application has disclose difficulties of detail, the principles therein laid down are of basi importance to the equitable incidence of this form of taxation.

An amendment of the Court of Wards Act is helping to save mor than one old family from disruption, while in the Bengal Agricultura Debtors Act you have enacted a measure of pacification and hope fo the rural masses which has already come into practical operation.

In passing an Act to regulate and control wakfs, the administratio of which has successfully begun, you have given a lead in this respec to every province in India.

In the Bengal Development Act you have passed a measure o great potentialities; its results are necessarily slow in view of th elaborate preliminary investigations necessary in the case of ever large scheme: but in the hands of a progressive Government thos results will be sure and of incalculable benefit to the country.

Like the Primary Education Act, the Act to constitute a Waterway Trust has been held in abeyance for the return of better times; but m Government fully realise the vital importance of this measure t Eastern Bengal: there it forms a counterpart to the road developmen which in other parts of the province the Central Road Fund and th Motor Vehicles Tax Fund have made possible. It is our intention tha your labours on the Waterways Act shall not have been in vain.

I do not propose to refer in detail to the work of the present sessio which is fresh in your minds: I would only say that the legislatio now passed and the supplies now voted have enabled my Governmen both to bring to completion important projects of long standing an to initiate with the sanction of the legislature new schemes rich i promise.

You have been assailed for your support of the Executive Government in enacting measures to deal effectively with organised disorder and terrorism but you may have the consolation of knowing that thereby you have helped to surmount the greatest obstacle to political progress in Bengal. In the permanence of this legislation Bengal has a guarantee for the future that she never enjoyed in the past.

Let us be under no illusion about this. It is only because the gangster and the gunman have been brought under control that Bengal is now in a position to march in step with the other provinces of India on the path to responsible Government. There can be no such things as free elections or democratic Government in a country that tolerates the rule of the political gangster and if men believe in free institutions they need not be ashamed of having the courage to defend them.

Last but by no means least, by your enactment in 1935 of the Taxation Bills relating to Court-fees, Stamps, Electricity, Tobacco and Amusements, you have made a contribution to the resources of the province far greater than the actual taxation itself. Whatever may be your opinions on the Niemeyer report I personally have no doubt that your willingness to impose taxation in 1935 stood Bengal in good stead when the time came for a fresh assessment of the burdens and deserts of the various provinces.

I have to thank the Council for its co-operation in difficult times during my term of office and I thank your President for his unfailing courtesy to me and to my Government no less than for his staunch upholding of the traditions and prestige of the legislature.

And now the time has come when you must go forth into the wilderness from which some of you at any rate will return triumphant though perhaps with battered plumes. I can bid you "God speed" but I am precluded from sweetening my farewell by adding a wish for your safe return. I can however, and do, wish you all good fortune and happiness in whatever walks of life it may please Providence to direct your steps.

I now order that this Council do stand prorogued.

(His Excellency then left the Council Chamber in procession in the above order.)

APPENDIX.

His Excellency's Speech at the unveiling of the bust of the late Sir Provash Chunder Mitter on 4th December, 1936.

It is now over two years since Sir Provash Chunder Mitter, Vice-President of the Executive Council of this province, passed away, and at the request of the subscribers to the Memorial Fund I have to-day come to unveil his bust in this Council House.

It is perhaps unnecessary for me to detail to you the life, work and achievements of Sir Provash, or to re-emphasize the love which he bore for his province and the persistence with which he sought to promote its interests. I have on a previous occasion, when his loss was recent, paid tribute to his memory. Now when some two and a half years have passed we can pause to assess, perhaps with greater accuracy, his value and his stature as a statesman.

Looking back over the decade preceding his death we shall find there are few developments of political importance in Bengal to which he did not make his distinctive contribution. I would refer especially to the amendment of the Tenancy Act in 1928, his presence as a delegate at the first and second Round Table Conferences and his advocacy of the cession of the jute tax to Bengal. For practically the whole period of the system of Government which has come to be known as "dyarchy" Sir Provash was unflagging in his zeal and enthusiasm to show that his countrymen could work and would work whatever system of Government was in force and he was most anxious to prove that they were able to bear the full responsibility of Government. It is therefore most appropriate that his memorial should be placed within these walls and that he should be remembered in this place as a painstaking and zealous worker and a far-sighted politician, whose judgment has not been belied by events.

Before unveiling this memorial I would however wish to sound a personal note. Sir Provash was for nearly two years my senior colleague with whom I was constantly in touch in days which were more anxious than these. One might perhaps have expected him, as one whose life-time had been devoted to Bengal, to have betrayed some irritation or impatience over difficulties and delays in administration caused by those whose views and methods he respected little. Now that we have steered into calmer waters, with a fairer prospect I hope opening before us, we may be tempted to belittle the value of shrewdness and steadfastness under the stresses and strains of those anxious days. Of Sir Provash I can only say this, that whilst we worked together in the administration of this province he was at all times calm and collected, and to me the value of his experience and wisdom was heightened by his constant good nature, and by his quiet sense of humour.

I have now much pleasure in unveiling the memorial bust of Sir Provash Chunder Mitter.

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